



IMPERIAL INSTITUTE
OF
AGRICULTURAL RESEARCH, PUSA.

PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency the Rt. Hon. the *Viscount* GOSCHEN OF HAWKHURST, G.C.I.E., G.B.E. Took his seat on 14th April 1924.

Members of the Executive Council.

1. The hon. Sir CHETPUT PATTABHIRAMA RAMASWAMI AYYAR, K.C.I.E., Law Member. Took his seat on 12th February 1923 and is in charge of the following portfolios :—

Civil Justice.
Criminal Justice (including petitions for mercy).
Elections.
Electricity (including hydro-electric schemes).
Foreigners.
Fortnightly report.
Irrigation.
Landlord and tenant.
Legislative.
Magistracy.

Marine.
Miscellaneous Judicial heads.
Passports.
Police including Criminal Investigation Department.
Press and registration of books.
Publicity including Editors' Table.
Railways.
Report on matters of political and administrative importance.
State prisoners.
Translators to Government.

2 The hon. Mr. N. E. MARJORIBANKS, C.S.I., C.I.E., I.C.S., Member in charge of Revenue. Took his seat on 27th December 1924 and is in charge of the following portfolios :—

Agency.
Constitution of districts, divisions and taluks.
Court of Wards.
Economic condition (including prices and wages).
Escheats.
Famine.
General (i.e., questions of a general nature which cannot be allocated to any particular department).
Government Servants' Conduct Rules.
Indian Civil Service—Questions other than leave and appointments.

Land Revenue, Survey and Settlement.
Mines.
Office procedure.
Petition rules—General questions.
Pounds and special funds.
Public Services Commission and service questions including examinations and special tests and land returns.
Reforms—not being legislative.
Treasure trove.
Warrant of precedence.
Wild animals.
Yeomias, inams and hereditary pensions.

3. The hon. ^{Khan} Bahadur MUHAMMAD USMAN SAHIB Bahadur, Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios :—

Administration report.
Air-craft.
Arms and explosives.
Boilers.
Census.
Certificate of age and qualification.
Criminal Tribes.
Depressed classes.
Emigration.
Forests (including cinchona).
Government Houses.
Jails.
Labour (including factories).

Laccadives.
Pilgrims to the Hedjaz.
Reformatories.
Regulation of medical and other professional qualifications and standards.
Rewards for saving life and property.
Staff and household of His Excellency the Governor.
Stamps.
Stationery and Government Presses.

4. The hon. Mr. T. E. MOIR, C.S.I., I.C.S., Finance Member. Took his seat on 27th April 1925 and is in charge of the following portfolios :—

Central subjects—
Archæology and Epigraphy.
Customs (including trade).
Ecclesiastical.
Income-tax.
Meteorology.
Opium.
Political (other than matters relating to Indian States).

Central Subjects—*cont.*
Post Office.
Salt
Telegraphs and telephones.
European education.
Finance.
Military.
Move of Government to the Hills.
Pensions.

Ministers.

1. The hon. the RAJA OF PANAGAL, Minister for Local Self-Government. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Adulteration of foodstuffs.
Local.
Medical.
Municipal.

Light-feeder Railways and Tramways within municipal areas.
Public Health.
Religious and Charitable Endowments.

2. The hon. Rao Bahadur Sir A. P. PATRO, *Kt.*, Minister for Education and Public Works. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Education
Excise.

Public Works.
Registration.

3. The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI Avargal, Minister for Development. Took his seat on 19th November 1923 and is in charge of the following portfolios :—

Agriculture.
Co-operative Societies.
Fisheries.

Industries.
Veterinary.
Weights and Measures.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE
COUNCIL.

President.

The hon. Mr. M. RUTHNASWAMY, M.A., Bar.-at-Law

Deputy President.

M.R.Ry. Diwan Bahadur P. KESAVA PILLAI Avargal, C.I.E.

Panel of Chairmen.

M.R.Ry. A. RAMASWAMI MUDALIYAR Avargal.

Sriman SASIBHUSHAN RATH Mahasayo.

Khan Bahadur HAJI ABDULLA HAJI QASIM SAHIB Bahadur

M.R.Ry. Rai Bahadur T. M. NARASIMHACHARLU Garu.

Secretary to the Council.

M.R.Ry. Rao Bahadur R. V. KRISHNA AYYAR Avargal, B.A., M.L.

Assistant Secretary to the Council.

M.R.Ry. C. SATAGOPA ACHARIYAR Avargal, B.A.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abbas Ali Khan Bahadur ...	Madura, Trichinopoly <i>cum</i> Srirangam, M. Urban.
2. Abdul Hye Sahib Bahadur ...	Ceded Districts, M. Rural.
3. Abdul Wahab Sahib Bahadur, Munshi	Northern Circars, M. Rural.
4. Abdulla Ghatala Sahib Bahadur (Council Secretary).	North Arcot <i>cum</i> Chingleput, M. Rural.
5. Adinarayana Chetti, T. ...	North Arcot, N.-M. Rural.
6. Anjaneyulu, P. ...	Guntur, N.-M. Rural.
7. Ankinedu Prasad Bahadur, S. R. Y.	Northern Landholders II, Landholders.
8. Appavu Chettiyar, D. ...	Salem, N.-M. Rural.
9. Ari Gowder, H. B. ...	Nilgiris, N.-M. Rural.
10. Arpudaswami Udayar, S. (Council Secretary).	Tanjore, Trichinopoly <i>cum</i> Madura, Indian Christian.
11. Arumuga Nadar, P. K. S. A. ...	NOMINATED for Nadars
12. Bhanoji Rao, A. V. ...	Vizagapatam, N.-M. Urban.
13. Biswanath Das Mahasayo, Sriman	Ganjam, N.-M. Rural.
14. Boag, I.C.S., G. T. ...	NOMINATED. (Secretary to Government, Finance Department.)
15. Chidambara Nadar, A. ...	Madura, N.-M. Rural.
16. Cruz Fernandez, Rao Bahadur.	Ramnad <i>cum</i> Tinnevely (Christian), Indian Christian.
17. Davis, J. A. ...	NOMINATED for Anglo-Indians.
18. Devendrudu, N. ...	NOMINATED for Adi-Andhras.
19. Ellappa Chettiyar, Rao Sahib S.	Salem, N.-M. Rural.
20. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
21. Gangaraju, M. ...	Kistna, N.-M. Rural.
22. Ghouse Mian Sahib Bahadur, Muhammad.	Central Districts, M. Rural.
23. Gopala Menon, C. ...	S.I. Chamber of Commerce, Commerce and Industry.
24. Gopalan, Rao Sahib P. V. ...	NOMINATED for Mukkuvans or Fishermen.
25. Guruswami, L. C. ...	NOMINATED for Arundhatayas.
26. Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abdulla (Chairman).	South Kanara, M. Rural.

Name of member.	Name and class of constituency.
27. Heggade, D. Manjayya ..	South Kanara, N.-M. Rural.
28. Kesava Pillai, C.I.E., Diwan Bahadur P. (Deputy President).	Anantapur, N.-M. Rural.
29. Khadir Mohiddin Elyas Khan Sahib Bahadur.	East Coast M.
30. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura <i>cum</i> Trichinopoly, M. Rural.
31. Koti Reddi, K.	Cuddapah, N.-M. Rural.
32. Krishnan Nayar, Diwan Bahadur M.	Malabar <i>cum</i> Anjengo, N.-M. Rural.
33. Krishna Rao Pantulu, Rao Bahadur A. S.	Nellore, N.-M. Rural.
34. Krishnaswami Nayudu, Rao Bahadur K.	North Arcot, N.-M. Rural.
35. Kuppuswami, J.	Guntur, N.-M. Rural.
36. Legh, C.I.E., I.C.S., E. W. ...	NOMINATED. (Secretary to Government, Revenue Department.)
37. Madanagopal Nayudu, R. ...	Madras City, N.-M. Urban.
38. Madhava Raja, V.	Malabar <i>cum</i> Anjengo, N.-M. Rural
39. Madurai, Hony. Lt.	NOMINATED for Adi-Dravidas.
40. Mallesappa, T.	NOMINATED for Lingayats.
41. Marakkayar Sahib Bahadur, V. Hamid Sultan.	Tanjore, M. Rural.
42. Marjoribanks, C.S.I., C.I.E., I.C.S., The hon. Mr. N. E.	EX-OFFICIO.
43. Marthandam Pillai, P. N. ...	Tinnevely, N.-M. Rural.
44. Maruthavanam Pillai, C. ...	Tanjore, N.-M. Rural.
45. Moidu Sahib Bahadur, T. M. ...	Malabar <i>cum</i> Anjengo, M. Rural.
46. Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.	EX-OFFICIO.
47. Moosa Sait Sahib Bahadur, Muhammad.	Madras, M. Urban.
48. Muhammad Sahib Bahadur, T. N.	Ramnad <i>cum</i> Tinnevely, M. Rural.
49. Muniswami Nayudu, B. ...	Chittoor N.-M. Rural.
50. Murugappa Chettiyar, Rao Bahadur A. M.	Nattukottai Nagarathars' Association, Commerce and Industry.
51. Muttayya Mudaliyar, C. ...	Chingleput, N.-M. Rural.
52. Muttayya Mudaliyar, S. ...	Tanjore, N.-M. Rural.
53. Muttu Chettiyar, P. C. ...	Ramnad, N.-M. Rural.
54. Narasimhacharlu, Rai Bahadur T. M. (Chairman).	Cuddapah, N.-M. Rural.
55. Narasimha Raju, Rao Bahadur C. V. S.	Vizagapatam, N.-M. Rural.

Name of member.	Name and class of constituency.
56. Narayanan Nambudiripad, Rao Bahadur O. M.	NOMINATED for Nambudiris.
57. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural.
58. Natesa Mudaliyar, Rao Bahadur C.	Madras, N.-M. Urban.
59. Nicholson, L. C.	Madras Trades' Association, Commerce and Industry.
60. Obalesappa, B.	NOMINATED for Maruthuvakulars (Barbers).
61. Paddison, C.S.I., I.C.S. G. F. ...	NOMINATED.
62. Partridge, P. W.	Madras European.
63. Patro, Kt, The hon. Rao Bahadur Sir A. P. (Minister).	Ganjam, N.-M. Rural.
64. Peddiraju, P.	Kistna, N.-M. Rural.
65. Ponnuswami Nayudu, C. ...	Madura, N.-M. Rural.
66. Ponnuswami Pillai, K. S. ...	NOMINATED for Protestant Christians.
67. Prabhakaran Tampan, K. ...	West Coast Landholders, Landholders.
68. Premayya, G.	NOMINATED for Adi-Andhras.
69. Raghubhundra Ballal, K. ...	NOMINATED for Jains.
70. Raja, Rao Bahadur M. C. ...	NOMINATED for Depressed Classes.
71. Raja of Panagal, The hon. the (Minister).	North Central Landholders, Landholders.
72. Raja of Ramnad	Southern Landholders, Landholders.
73. Rajan, P. T.	Madura, N.-M. Rural.
74. Rajappa Tevar, P. S.	NOMINATED for Kallars.
75. Ramachandra Reddi, B. ...	Nellore, N.-M. Rural.
76. Raman, Rao Bahadur P. ...	NOMINATED for Tiyyas.
77. Vacant	South Kanara, N.-M. Rural.
78. Ramachari, Rao Sahib K. V. ...	Madura, N.-M. Urban.
79. Ramalinga Chettiyar, Rao Bahadur T. A.	Coimbatore, N.-M. Rural.
80. Ramalinga Reddi, C.	Chittoor, N.-M. Rural.
81. Ramaswami Ayyar, K.C.I.E., The hon. Sir C. P.	EX-OFFICIO.
82. Ramaswami Mudaliyar, A. (Chairman).	Chingleput, N.-M. Rural.
83. Rameswara Rao, G.	Anantapur, N.-M. Rural.
84. Ranganatha Mudaliyar, A. ...	Bellary, N.-M. Rural.
85. Rao, I.C.S., V. P.	NOMINATED.
86. Rencontre, A. E.	Anglo-Indian.
87. Ross, Thomas McKenzie ...	Madras Chamber of Commerce.
88. Ruthnaswamy, The hon. Mr. M. (President).	Central Districts (Christian) Indian Christian.
89. Sagaram, P.	NOMINATED for Setti-Balijas.
90. Saldanha, J. A.	West Coast (Christian) Indian Christian.
91. Samuel, J. D.	Northern Districts Indian Christian.
92. Sarabha Reddi, K.	Kurnool, N.-M. Rural.

Name of member.	Name and class of constituency.
93. Sarvarayudu, K.	Kistna, N.-M. Rural.
94. Sasibhushan Rath Mahasayo, Sriman (Chairman).	Ganjam, N.-M. Rural.
95. Satyamurti, S.	Madras University, University.
96. Sesha Reddi, B. P.	Kurnool, N.-M. Rural.
97. Seturatnam Ayyar, M. R. ...	Trichinopoly, N.-M. Rural
98. Sitarama Reddi, K.	South Arcot, N.-M. Rural.
99. Sitayya, M.	Kistna, N.-M. Rural
100. Sivagnanam Pillai, The hon. Diwan Bahadur T. N. (Minister).	Tinnevely, N.-M. Rural.
101. Siva Rao, P.	Bellary, N.-M. Rural.
102. Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
103. Srinivasan, Rao Sahib R. ...	NOMINATED for Adi-Dravidas.
104. Subbarayan, Dr. P.	South Central Landholders, Landholders.
105. Subrahmanya Pillai, K. Chavadi.	Tinnevely <i>cum</i> Palamcottah, N.-M. Urban.
106. Sundaramurti, Rao Sahib P. V. S.	NOMINATED for Adi-Dravidas.
107. Suryanarayanamurti Nayudu, Diwan Bahadur K.	Cocanada City, N.-M. Urban.
108. Tangavelu Pillai, Rao Sahib T. C. (Council Secretary).	Trichinopoly <i>cum</i> Srirangam, N.-M. Urban.
109. Tanikachala Chettiyar, Rao Bahadur O.	Madras, N.-M. Urban.
110. Uppi Sahib Bahadur, K. ...	Malabar <i>cum</i> Anjengo, M. Rural.
111. Usman Sahib Bahadur, The hon Khan Bahadur Muhammad.	EX-OFFICIO.
112. Veerian, R.	NOMINATED for Adi-Dravidas.
113. Vellingiri Gounder, V. C. ...	Coimbatore, N.-M. Rural.
114. Venkatachalam Chettiyar, Sami.	Madras, N.-M. Urban.
115. Venkatachala Padayachi, K. ...	South Arcot, N.-M. Rural.
116. Venkatapati Razu, P. C. ...	Vizagapatam, N.-M. Rural
117. Venkatarama Ayyar <i>alias</i> V. Pantulu Ayyar.	Tanjore, N.-M. Rural.
118. Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
119. Venkatarama Sastriyar, T. R. (Advocate-General).	NOMINATED.
120. Venkataratnam, B.	Godavari, N.-M. Rural.
121. Venkatareddi Nayudu, <i>Kt.</i> , Rai Bahadur Sir K.	Do.
122. <i>Vacant</i>	North Arcot, N.-M. Rural.
123. Virappa Chettiyar, Rao Bahadur P. K. A. Ct.	Ramnad, N.-M. Rural.
124. Windle, Capt. E. G.	Madras Planters.
125. Wood, O. E.	Madras Chamber of Commerce.
126. Zamindar of Kallikota and Atagada Estates.	NOMINATED for backward tracts.
127. Zamindar of Kurupam ...	Northern Landholders I, Landholders.

SPECIAL MEMBERS.

Name of member.	Purpose for which nominated.
128. Cameron, C.I.E., I.M.S., Lieut.-Col. J. P.	NOMINATED for the Borstal Bill. (Inspector-General of Prisons.)
129. Krishnama Achariyar, Rao Bahadur V. T.	NOMINATED for the Borstal Bill. (Secretary to Government, Law Department.)
130. Ramachandra Ayyar, Diwan Bahadur T. R.	NOMINATED for the Malabar Tenancy Bill.
131. Raman Menon, K. P.	Do.
132. Symons, Maj.-Genl. T. H. ...	NOMINATED for the Registration of Nurses and Midwives Bill. (Surgeon-General to the Government of Madras.)

THE MADRAS LEGISLATIVE COUNCIL.

Monday, the 14th December 1925.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY, M.A., Bar.-at-Law) in the chair.

PRESENT:

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|---|---|
| Ramaswami Ayyar, K.C.I.E., The hon. Sir C. P. Marjoribanks, C.S.I., C.I.E., The hon. Mr. N. E. Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad. | Obalesappa, Mr. B. |
| Moir, C.S.I., C.I.E., The hon. Mr. T. E. Raja of Panagal, The hon. the Patro, Kt., The hon. Rao Bahadur Sir A. P. Sivagnanam Pillai, The hon. Diwan Bahadur T. N. | Pandrang Rao, Mr. V. |
| Abdul Hye Sahib Bahadur. | Ponnuswami Pillai, Mr. K. S. |
| Abdulla Ghatala Sahib Bahadur. | Prabhakaran Tampar, Mr. K. |
| Adinarayana Chettiyar, Mr. T. | Premayya, Mr. G. |
| Anjaneyulu, Mr. P. | Raghuchandra Ballal, Mr. K. |
| Arpudaswami Udayar, Mr. S. | Raja, Rao Bahadur M. C. |
| Biswanath Das Mahasayo, Sriman. | Raja of Ramnad. |
| Boag, Mr. G. T. | Rajan, Mr. P. T. |
| Devendrudu, Mr. N. | Rajappa, Mr. P. S. |
| Ethirajulu Nayudu, Diwan Bahadur P. C. | Ramachandra Reddi, Mr. B. |
| Gopala Menon, Mr. C. | Raman, Rao Bahadur P. |
| Gopalan, Rao Sahib P. V. | Ramachari, Rao Sahib K. V. |
| Guruswami, Mr. L. C. | Ramalinga Chettiyar, Rao Bahadur T. A. |
| Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-la. | Ramalinga Reddi, Mr. C. |
| Khadir Mohiddin Elyas Khan Sahib Bahadur. | Ramaswami Mudaliyar, Mr. A. |
| Khalif-ul-lah Sahib Bahadur, Khan Bahadur P. | Rameswara Rao, Mr. G. |
| Krishnan Nayar, Diwan Bahadur M. | Ranganatha Mudaliyar, Mr. A. |
| Krishna Rao Pantulu, Rao Bahadur A. S. | Rencontre, Mr. A. E. |
| Krishnaswami Nayudu, Rao Bahadur K. | Ross, Mr. T. M. |
| Kuppuswami, Mr. J. | Sagaram, Mr. P. |
| Legh, C.I.E., Mr. E. W. | Saldanha, Mr. J. A. |
| Madanagopal Nayudu, Mr. R. | Samuel, Mr. J. D. |
| Madurai, Hon. Lieut | Satyamurti, Mr. S. |
| Mallesappa, Mr. T. | Seturatnam Ayyar, Mr. M. R. |
| Marekkayar Sahib Bahadur, V. Hamid Sultan. | Sitayya, Mr. M. |
| Marthandam Pillai, Mr. P. N. | Siva Rao, Mr. P. |
| Maruthavanam Pillai, Mr. C. | Srinivasa Ayyangar, Mr. R. |
| Moidu Sahib Bahadur, Mr. T. M. | Srinivasan, Rao Sahib R. |
| Muniswami Nayudu, Mr. B. | Subbarayan, Dr. P. |
| Muttayya Mudaliyar, Mr. C. | Symons, Major-General F. H. |
| Muttayya Mudaliyar, Mr. S. | Sundaramurti, Rao Sahib P. V. S. |
| Narasimhachari, Bai Bahadur T. M. | Tanikachala Chettiyar, Rao Bahadur O. |
| Narasimba Raju, Rao Bahadur C. V. S. | Uppi Sahib Bahadur, Mr. K. |
| Narayanawami Pillai, Mr. T. M. | Veerian, Mr. R. |
| Natesa Mudaliyar, Rao Bahadur C. | Venkatachala Chettiyar, Mr. S. |
| | Venkatachala Padayachi, Mr. K. |
| | Venkataramana Ayyangar, Mr. C. V. |
| | Venkatarama Sastriyar, Mr. T. B. |
| | Venkataratnam, Mr. B. |
| | Venkataratnam Nayudu, Kt., Rao Bahadur Sir K. |
| | Windle, Capt. E. G. |
| | Zamindar of Kallikota. |

[14th December 1925]

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—*

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Civil Justice.

Promotion from ordinary to selection grade in Imperial services.

* 971 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether any officers in the ordinary grade have been promoted to selection grade in the Imperial Judicial and Police services in acting vacancies, and if so, under what rules; and

(b) if the answer to (a) be in the affirmative, why under the same rule suitable deputy collectors should not be similarly promoted?

A.—(a) Yes: Under Fundamental rule 30, published at pages 1106–1107 of the *Fort St. George Gazette*, dated 23rd September 1924.

(b) The general rule is that officiating promotions are permissible only in cases where the officiating appointment involves the assumption of duties or responsibilities of greater importance than or of a different character from, those of the officers' substantive appointment; consequently officiating promotion from one grade to another in the same class of appointment is not ordinarily permissible. Exceptions have been made in the special cases named in clause (a) of the question for the following reasons:—

(i) *Selection grade of District Judges.*—This grade was created to equalize the prospects in the executive and judicial branches of the Indian Civil Service which were unequal because the number of posts above the ordinary time-scale in the executive branch exceeds the corresponding number in the judicial branch; the first-grade district judgeship therefore corresponds to a post in the executive branch to which officiating promotion is permissible.

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- (ii) *Selection grade of Superintendents of Police*.—In order to equalize the prospects in the Indian Police Service in all provinces, the Secretary of State decided that the total number of posts above the time-scale of superintendents of police which are held by the members of the Indian Police Service should be approximately 10 per cent of the cadre in each province; these posts are those of Inspector-General of Police and Deputy Inspector-General of Police. Where in any province the total number of such posts is less than 10 per cent, the deficiency is made good by the creation of appointments in a selection grade on a pay above the ordinary time-scale; as these appointments virtually take the place of posts to which officiating promotion is permissible officiating promotion thereto is allowed.

These reasons do not apply in the case of deputy collectors.

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I wish to know whether under Fundamental rule 30, there is any provision for exceptions to be made."

The hon. Mr. N. E. MARJORIBANKS :—"I must refer the hon. Member to the rules. I have not got them here."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, I have had a reply that promotions have been refused under rule 30, and again that they have been permitted under the same rule. I wish to know what the special circumstances defined under that rule are, which in one case allow promotions and in the other case does not."

Civil powers of Village Munsifs.

* 972 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to state—

(a) whether there is a Government Order to the effect that every village munsif should exercise civil powers in villages which are not subject to the jurisdiction of a village panchayat court;

(b) whether, if there is such Government Order, any such village munsifs have been asked not to exercise civil powers without specific sannads authorizing them to do so;

(c) whether it is a fact that the village munsif of Palayapalayam, in the Namakkal taluk of Salem district, was asked not to exercise the power of trying civil suits after he exercised it for about ten years; and

(d) whether the villagers have submitted a memorial to the Government for cancelling this order and permitting the village munsif to exercise civil powers and if so, what orders, if any, have been passed by the Government?

A.—(a) There is no Government Order to that effect. Power is given under the Madras Village Courts Act and the rules framed thereunder to appoint village munsifs in villages not within the jurisdiction of village panchayat courts and also to remove them for incapacity, neglect of duty, etc.

(b) The Government have no information,

(c) Yes.

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- (d) In 1923 the Government received memorials praying that the village munsif might be allowed to continue to exercise civil powers, but as it appeared from the reports of the Collector and the Board of Revenue that the village munsif was rightly removed the Government did not see fit to interfere.

Indian Companies Act.

Companies registered under the Indian Companies Act.

* 973 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased—

(a) to give a list of companies registered in this Presidency under the Indian Companies Act which were started in each of the years 1915 to 1925 (both inclusive) as well as a list of those that were closed in each year of the same period with the nominal and subscribed share capital under each heading; and

(b) to state whether any reasons have been found for the closing up of a large number of companies?

A.—The hon. Member is referred to the annual administration reports of the Indian Companies Act, 1913, placed on Editors' Table.

Irrigation.

The Bellary West Canal, Upper Bhavani and Lower Bhavani Irrigation projects.

* 974 Q.—Diwan Bahadur P. C. ETHIRAJULU NAYUDU: Will the hon. the Law Member be pleased to state—

(a) whether estimates have been prepared for the Bellary west canal, Upper Bhavani and Lower Bhavani Irrigation projects, and if so, whether the Government will be pleased to place those estimates on the table of the House;

(b) what is the total cost of each of these, if any prepared;

(c) who is the officer who prepared these estimates, what is his service in the department and what is his experience in the preparation of estimates for irrigation projects;

(d) whether there is any correspondence between this Government and the Government of India in regard to the aforesaid projects;

(e) whether the estimates have been scrutinized by the Chief Engineer, Public Works Department, and whether they have been sent up to the Government of India for "administrative" approval;

(f) whether it is a fact that the plans and estimates for the Upper Bhavani and Lower Bhavani projects were prepared fifteen years ago, and if so, whether the Government will be pleased to lay them on the table of the House;

(g) whether it is a fact that the Bellary West Canal proposal will be submerged in the Tungabhadra project when the latter is carried out and whether the Chief Engineer for Irrigation has considered this aspect about the Bellary West Canal project before any communication was made to the Government of India;

(h) whether it is a fact that the President of the Ceded Districts Irrigation Committee advised the Government that the Bellary West Canal project may be submerged if the Tungabhadra project is to be carried out;

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(i) what are the reasons for communicating with the Government of India before investigating the objections to the submersion of the Bellary West Canal project in the Tungabhadra project ;

(j) what are the reasons for the Government to believe that the Bellary West Canal project is a productive one ; and

(k) whether it is a fact that the Irrigation Chief Engineer estimates water-rate at the rate of Rs. 15 per acre to make it productive ?

A.—(a) Estimates have been prepared and sent up to Government. The Government will lay on the table copies^a of the Chief Engineer's reports giving an abstract of the estimates.

(b) The cost in round figures is as follows :—

				LAKHS.
Bellary West Canal project	...	...	...	90
Upper Bhavani project	...	...	...	488
Lower Bhavani project	...	...	...	207

(c) Various officers have been engaged on the estimates, the responsibility for them as now sent up to Government is that of Mr. Hawkins, the late Chief Engineer for Irrigation.

(d) No.

(e) Yes: but the estimates have not yet been considered by the Government.

(f) The first proposals were prepared in 1905, and revised in 1910 by Mr. Keeling—those proposals have now been recast; as stated in (a) the Government will give the House copies^a of the Chief Engineer's reports on the present proposals.

(g) A reservoir on the Honur-Timmalapur reach of the Tungabhadra would submerge about 1,200 acres of the ayacut proposed for the Bellary West Canal. The Chief Engineer is of course aware of that. No communication has been made to the Government of India.

(h) The President of the Committee first remarked that 12,000 acres of the ayacut would be submerged, but he was corrected by the Chief Engineer.

(i) None.

(j) The Government have not yet formed an opinion—the Chief Engineer's report indicates that the project will be very productive. The opinion of the Board of Revenue has been called for.

(k) No—The figures proposed are Rs. 14 for first crop and Rs. 7 for second when the project is fully developed. These figures give a net return of 8½ per cent.

Mr. A. RANGANATHA MUDALIYAR :—" Sir, I wish to know what is the return which makes a work productive, whether it is 5 per cent or 6 per cent or 6½ per cent ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It depends on the amount we have to pay to the Government of India."

Mr. A. RANGANATHA MUDALIYAR :—" May I know what is the amount that the Provincial Government has to pay in the matter ? "

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The hon. Sir C. P. RAMASWAMI AYYAR :—“ If there is a margin over and above the amount payable to Government of India and the adjustments with regard to the work, the work may be called productive.”

Mr. A. RANGANATHA MUDALIYAR :—“ My question has not been answered. I wish to know what is the amount the Provincial Government is expected to pay to the Government of India on the amount they borrow ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ It has varied from 5 per cent to 6½ per cent.”

Mr. A. RANGANATHA MUDALIYAR :—“ So what is the reason for insisting on a margin of something like 2 per cent over and above 6½ per cent ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ We do not insist on the margin; that is the margin that is accepted.”

Mr. A. RANGANATHA MUDALIYAR :—“ Seeing therefore that the work is so productive, will the Government see to its execution at an early date ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ That will be considered very carefully.”

Mr. P. SIVA RAO :—“ May I know whether the Bellary West Canal project has been sanctioned ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ Administrative sanction was given to it.”

Mr. P. SIVA RAO :—“ What would become of it if the bigger Tungabhadra project is taken up on hand ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ That is one of the questions which the hon. Member and his colleagues in the committee will finally have to report about.”

Mr. P. SIVA RAO :—“ Supposing the Bellary West Canal project is executed and afterwards the recommendation of the Ceded Districts Irrigation Committee to carry out the Tungabhadra project is accepted by the Government, what bearing will this have on the execution of the Bellary West Canal project ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The answer is contained in (g).”

Mr. A. RANGANATHA MUDALIYAR :—“ Apart from the submersion of 1,200 acres, is there any other apprehension against the project ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ None so far as we have been informed up to now, Sir.”

Ayacut under the Thadappalli and Arakankottai channels.

* 975 Q—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether there is a proposal to increase the ayacut under the Thadappalli and Arakankottai channels in the Coimbatore district, and if so, to give the present ayacut as well as the suggested increase under each channel ;

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(b) whether there was resluicing in those channels only recently and whether any defects were found and rectified later on ;

(c) what the rate of duty per acre is at present, and what is to be the rate after further extensions ;

(d) whether the height of the anicut has been found to be insufficient and whether proposals have been made at any time to raise the height ;

(e) whether the water-supply has been found insufficient at any time and whether any recourse to any system of turns had to be adopted for irrigation purposes ;

(f) whether the ryots of the present ayacut were consulted before deciding upon further extensions ; and

(g) whether the Government have received memorials protesting against any further reduction of the rate of the duty and suggesting among others the appointment of a committee of superior officers of the Revenue and Irrigation departments with some leading ryots to enquire into the nature of the soils and slopes and to decide the duty for each locality and if so, whether the Government have any objection to appoint such a committee ?

A.—(a) Yes ; the present ayacuts and the proposed increases are as follows :—

	Present irrigation.		Proposed increase.	
	1st crop.	2nd crop.	1st crop.	2nd crop.
Thadappalli .. .	15,076	1,460	4,398	10,840
Arakankottai	4,900	531	2,298	1,040

(b) Some improvements have been effected in recent years, but the channels still work uneconomically.

(c) It is proposed to increase the duty from 25 and 30 acres to 40 in the channel and 50 at the sluices.

(d) The Government have not information to answer this.

(e) Yes ; it is to remedy these things that the present proposals have been designed. There is said to be plenty of water available at the heads of the channels.

(f) The proposals have not yet been approved. The remarks of the Collector and the Board of Revenue have been called for and they will presumably consult the ryots.

(g) The Government have received protests, in one of which the appointment of a committee has been suggested. This question will be considered when the Government get the Board's report.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ With reference to clause (e), the answer is ‘ Yes ’ ; that is the present water-supply is not sufficient for the ayacut. And the next suggestion is that it is to remedy these things that the present ayacut is proposed to be extended. I do not know if the Government thinks that water which is not sufficient for a small ayacut will be found sufficient for a big one.”

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The hon. Sir C. P. RAMASWAMI AYYAR :—" Put in that way, there is a good deal to be said for the argument of my hon. Friend. It is the economical working of the channels that has been adverted to in (b) and it is proposed by means of these schemes to improve the existing channels as well as extend the ayacut."

Mr. C. V. VENKATARAMANA AYYANGAR :—" With regard to clause (f) may I request the hon. the Law Member to see whether he can not give an opportunity to the ryots concerned by himself making a local inspection, if there is no objection?"

The hon. Sir C. P. RAMASWAMI AYYAR :—" As would appear from (f) the Collector and the Board of Revenue have been asked to report on the matter; the Government hope they would consult the ryots. As a matter of fact, the hon. Member will remember that on this very matter I had the honour of receiving representations from a deputation which was led by the hon. Member himself."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That is exactly what I want to know—whether the hon. Member remembers that he said that he would try to make a local inspection, and whether now after the reply was given, he has made up his mind to go and see the place, and give an opportunity to the ryots to make their representations."

The hon. Sir C. P. RAMASWAMI AYYAR :—" That will be kept in mind."

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Will he also consider whether the crest of the dam cannot be raised by $1\frac{1}{2}$ or 1 foot? That will alleviate the difficulty?"

The hon. Sir C. P. RAMASWAMI AYYAR :—" The hon. Member will see in answer to clause (d) we have stated that we have not got the information. Sanction was given for its separate investigation and the estimates are now being considered."

Police.

Investigations into the alleged Pandarasannadhi murder case.

* 976 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that what is known as the Pandarasannadhi murder case had dragged on in courts for nearly two years before it was finally disposed of by the Madras High Court recently; .

(b) whether it is a fact that there was unnecessary and avoidable delay in the preliminary investigation of the crime by the local police; and

(c) whether Government are making any inquiries as to whether the original investigation by the police was conducted on right lines or whether the accused were carelessly implicated in the charge?

A.—(a) Yes.

(b) No.

(c) The Government have made enquiries and have found no grounds to suppose that the original investigation by the police was not conducted on right lines or that the accused were carelessly implicated in the charge.

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Investigation in the Mount murder case.

* 977 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state whether investigation in the Mount murder case has been given up by the Police, and if not, what the results of the investigation so far are?

A.—No. The case remains undetected.

Mr. S. SATYAMURTI:—“ May I remind the hon the Law Member that sometime ago when this question was put on the floor of this House he said he had deputed some special officers to investigate this case, and may I ask whether in view of the answer given to-day that ‘the case still remains undetected,’ the Government are going to take extra steps in this direction?”

The hon. Sir C. P. RAMASWAMI AYYAR:—“ The difficulty is this: there was suspicion in regard to some individuals, but the utter absence of any motive in regard to the occurrence has been a source of perplexity. I may say at once that the Government have not given up the hope of tracing the murderer, but the difficulties in the way of investigation are very great.”

Mr. S. SATYAMURTI.—“ May I remind the hon. Member that at the time the case was reported in the papers, it was said that there was evidence to show that instruments belonging to the army had been used to commit this murder and that there was suspicion of some soldiers or sepoys being implicated in this crime? I want to know whether Government have followed up this clue and if not whether they propose to follow it.”

The hon. Sir C. P. RAMASWAMI AYYAR.—“ If my hon. Friend refers to the regulations revolvers, that allegation has been present in the mind of the investigating officers.”

Railways.

Proposed Railway line between Madura and Theni.

* 978 Q.—Mr. C. V. VENKATARAMANA AYYANGAR. Will the hon. the Law Member be pleased to state—

(a) whether the Madura District Board has submitted to the Government any proposal to open a railway line between Madura and Theni and whether the Government have come to any decision regarding the same;

(b) whether there was an alternative proposal to open a line between Kodaikanal Road and Theni and if so whether that has been given up or whether that is also still under consideration; and

(c) whether the Government have received a memorial that the Kodaikanal Road-Theni line should be given preference, and if so, whether the Government have come to any decision on the matter?

A.—(a) Yes; the Government approved of the proposal to adopt the Madura-Theni-Bodinayakanur alignment in 1922.

(b) The Kodai Road-Theni line has been given up.

(c) The Government have received memorials and have informed the memorialists that the matter cannot be considered now.

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Irrigation.*Water-rates to lands under the Cauvery Irrigation.*

* 979 Q.—**MR. V. C. VELLINGIRI GOUNDER**: Will the hon. the Member for Revenue be pleased to state the different water-rates per acre of single and double crop wet lands under the Cauvery Irrigation in the districts of Trichinopoly and Tanjore according to the classifications of soil and channels if the rates are so fixed?

A.—No water-rate is levied on wet lands, and the rate of cess on dry lands in the Tanjore and Trichinopoly districts except the Karur taluk does not depend on soil classification but on the classification of the irrigation source. Water-rates on dry lands in the two districts are charged according to the scale laid down in Appendix I-A to Board's Standing Order No 4, paragraph 2, except in the case of the Karur taluk where the difference between the wet and the dry rates of assessment is charged as water-rate. As regards wet lands, assessment is levied at the rates notified in the respective resettlement notifications published in the *Tanjore District Gazette*, dated 15th August 1924, *Trichinopoly District Gazette*, dated 18th February 1925, and *Coimbatore District Gazette*, dated 15th April 1910.

Land Revenue.*Assignment of grazing and forest lands by the Collector of Nilgiris.*

* 980 Q.—**MR. T. ADINARAYANA CHETTIYAR**: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the District Collector of Nilgiris assigned to Kakamalla Gowder, B. K. Belli Gowder and other rich people several acres of grazing and forest land in Survey Nos. 106-B and 122-A;

(b) whether it is the only grazing ground available to the ryots of Mullimalai, a hamlet of Kilkundah village, in the Nilgiris district, especially in the rainy season;

(c) whether the above assignment of land deprived the inhabitants of the only short cut to the main road from their village;

(d) whether when a similar assignment of these lands was contemplated by Government the villagers protested and whether their protest was considered and the assignment dropped;

(e) whether it is a fact that the ryots of Mullimalai have appealed to the Board of Revenue against this assignment; and

(f) what is the result of this appeal?

A.—(a) The Board of Revenue has sanctioned the assignment of about 10 acres of land in S. No. 106-B of Kilkundah village to V. Kakamalla Gowder and about 10 acres and 6.15 acres of land in S. No. 122-A to Belli Gowder and Mallaiya Gowder, respectively. Besides this, the Collector has assigned about 5 acres of land in S. No. 106-B to another individual.

(b) Excluding the portions assigned there are about 635 acres of village grazing ground and 82 acres of reserved forest available for grazing purposes.

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- (c) No. No path passes through the lands assigned.
- (d) The Government are not aware of any such facts having occurred within the last thirty years.
- (e) A revision petition was filed in three of the four cases shown in clause (a) above.
- (f) The revision petition was rejected.

Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, for what purpose these lands were assigned ? Was it for cultivation or house-site or any other purpose ? "

The hon. Mr. N. E. MARJORIBANKS :—" For cultivation presumably, Sir."

Mr. A. RANGANATHA MUDALIYAR :—" Was it because these three people belonged to the depressed classes that this special consideration was shown ? "

The hon. Mr. N. E. MARJORIBANKS :—" I do not think there is any special concession. The land was assigned under the ordinary rules."

Mr. T. ADINARAYANA CHETTIYAR :—" Are the Government aware that these assignees have got already large extents of land ? "

The hon. Mr. N. E. MARJORIBANKS :—" I am not aware of it."

Mr. A. RANGANATHA MUDALIYAR :—" I want to know whether the available land is adequate for grazing requirements. What is the number of cattle ? "

The hon. Mr. N. E. MARJORIBANKS :—" I do not know the number of animals. The report is that the land available for grazing is sufficient; it is stated in the answer to clause (b)."

Destruction of crops in South Kanara.

* 981 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a certain crop pest destroyed the paddy and crops in the interior parts in South Kanara in the last revenue year ;

(b) whether the Government have ascertained the extent of loss sustained by the landholders ;

(c) whether they have made any remissions of assessments by way of compensation to the landowners affected by the damage ; and

(d) what is the principle adopted in making such remissions ?

A.—(a) to (c) It is reported that a paddy pest known as Bamboochi caused some damage in parts of the district. No representations were made by the ryots at any of the jamabandi camps as to the damage done by the pest except at Bantwal where a missionary represented that some remission of assessment might be granted on account of the damage done by this pest. After enquiry the Divisional Officer who was also the jamabandi officer considered that the damage done by the pest was not sufficient to warrant any recommendation for remission and none was granted.

(d) The hon. Member's attention is invited to Board's Standing Order No. 14 which contains the general rules on the subject.

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Mr. J. A. SALDANHA :—“ May I enquire whether the hon. the Revenue Member will look into the files and tell us whether the villagers have willingly come forward and informed the officers about such damages ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ Yes, Sir.”

Mr. J. A. SALDANHA :—“ How was it that in this case there was some sort of damage caused and no information was given by the villagers nor by village officers but only by a missionary ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ Presumably, Sir, the damage was slight.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I know what was the outturn of those crops that justified Government in saying that no case was made out for remission ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ As the answer to the question indicates, the case has not been before the Government at all. We do not know what the outturn was ”

Mr. A. RANGANATHA MUDALIYAR :—“ In clause (b) the Government have been definitely requested to tell the loss sustained. Surely the Government may call for information on that point.”

The hon. Mr. N. E. MARJORIBANKS :—“ I do not think it is, in the circumstances stated, necessary to do so.”

Grant of lands on patta near Mullimalai hamlet, Nilgiris district.

* 982 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government or the Board of Revenue have received a memorial from the ryots of Mullimalai, hamlet of Kilpund village, Nilgiris district, against the grant of lands on patta to Messrs. Kakkamalla Gouder of Kachakatti, Senami Maistri of Mullimalai, and Belli Gouder of Kachakatti ;

(b) whether it is a fact that the lands granted to these people are close to the village and are used by the ryots of the village for felling fuel for domestic purposes and grazing cattle on which chiefly they live ;

(c) whether it is a fact that about forty years ago, one Mr. Havelock applied for the grant of the lands and that on the ryots' objection the Government received from the ryots Rs. 70, the cost of surveying the lands, and refused to grant the lands on darkhast ;

(d) whether any price has been paid by the grantees, and if so, who fixed the price ; whether there was any auction and whether villagers were informed of the sale and given any option of purchasing them ; if not, why not ;

(e) whether any proposal was considered about giving lands to poor people according to the declared policy of the Government ; if not, why not ;

(f) whether the Government have any objection to make an enquiry into the matter and then finally decide the matter themselves ?

A.—(a) to (e) The attention of the hon. Member is invited to the answer to question No. 980. The Collector reports that the ryots did not pay the cost of demarcation in respect of either S. No. 106-B or 122-A.

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- (d) Yes; the Collector fixed the price, viz., Rs. 12-8-0 per acre for 122-A and Rs. 18-12-0 per acre for 106-B. The lands were not sold in auction as there was only one applicant whose application was notified as required by the rules in paragraph 41 of Board's Standing Order No. 15.
- (e) No proposal has been recently made or considered by Government for the free assignment of lands in the Nilgiris except in the case of seven villages where the Collector may at his discretion make assignments free of initial payment to Irulas and Kurumbas.
- (f) The Government have made inquiries and do not find that there is any matter awaiting final decision.

Mr. C. V. VENKATARAMANA AYYANGAR :—"With regard to the answer to (a) to (c), may I know whether the Government will be prepared to give lands to the villagers if they pay demarcation expenses now?"

The hon. Mr. N. E. MARJORIBANKS :—"If the hon. Member refers to the lands which have already been assigned, it is not in the power of the Government to give them to anybody else."

Mr. C. V. VENKATARAMANA AYYANGAR :—"No patta has been issued; the Collector has only issued an order. Cannot the Government consider over the matter?"

The hon. Mr. N. E. MARJORIBANKS :—"The Government cannot cancel the order of assignment, Sir."

Minor Irrigation.

Land springs as 'precarious sources'.

* 983 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state whether there is any Government Order in addition to rule 11-A of Board's Standing Order No. 13 defining 'precarious sources' and explaining why land springs cannot be included among them?

A.—No.

Mr. G. RAMESWARA RAO :—"Sir, can land springs as opposed to river springs be treated as precarious sources of irrigation?"

The hon. Mr. N. E. MARJORIBANKS :—"Yes, Sir, if they are precarious (laughter)."

Revenue Establishments.

Admission of School Final men into public service.

* 984 Q.—Mr. T. ADINABAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what according to clause 2 of article 1 of the Public Service Notification is meant by the expression "completed secondary leaving certificate";

(b) whether the Government are aware that several Secondary School-Leaving Certificate holders who did not get sufficient number of marks have got into Government service;

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(c) whether they are aware that the (then) District Judge of Chittoor, in his Memo. No 4449, dated 12th November 1919, fixed specifically the minimum qualification to be possessed by School Final men (in pursuance of G.O. No. 866, dated 2nd July 1918);

(d) whether other district officers have thus specifically fixed their minimum qualifications;

(e) whether the Government can say that proper scrutiny of qualifications has been exercised in admitting School Final men into public service; and

(f) whether they have the intention to have the qualifications of the School Final men who have got into Government service scrutinized by a competent committee?

A.—(a) A completed secondary school-leaving certificate signifies that the holder thereof has completed his studies up to and inclusive of the sixth form of a secondary school and has kept all his terms and appeared for the public examination at the end of the course.

(b) & (e) In the selection of candidates holding secondary school-leaving certificates for posts in Government service, heads of departments and others making appointments have been instructed that preference should be given to candidates who hold the best certificates.

The Board of Revenue brought to the notice of the Government in 1923 that in some cases persons with low marks had been recruited in the departments under it. The Government approved of the proposals made by the Board of Revenue for preventing the recurrence of this evil in the departments under the Board and issued orders in G.O. No 1343, dated 3rd September 1924, which has been published.

(c) & (d) The Government have no information on the matters referred to here.

(f) No.

Recovery of increments granted to School Final men.

* 985 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that increments of pay granted to the men in public service who had failed to pass the Matriculation Examination are being recovered; and

(b) whether Government are taking any steps to recover increments granted to School Final men who have got into the public service without possessing the necessary qualifications and some of whom had got only 10 or 15 per cent of the marks in English?

A.—(a) The Government are aware of instances in which increments in time-scales of pay wrongly allowed to clerks who are not qualified under article 1 of the Public Service Notification have been recovered subsequently.

(b) If the 'School Final men' referred to in the question have obtained completed secondary school-leaving certificates, they are eligible for increments in the time-scales of pay sanctioned for their posts and no question of recovery arises.

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Increment to unpassed men who have passed Departmental Special Tests.

* 986 Q.—MR. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that several unpassed men, now in public service, have since qualified themselves by passing Departmental Special Tests, as per *Fort St. George Gazette* notification, Part I-B, page 701, dated 29th June 1921 ; and

(b) whether it is the intention of Government that these clerks who have qualified themselves as above should not be given any increment of pay ?

A.—(a) & (b) Clerks who are not qualified under article 1 of the Public Service Notification are not eligible for increments in time-scale of pay unless they have been specifically exempted from the provision of this article by competent authority. The passing of departmental special tests does not dispense with the need for this exemption.

Alleged complaints against the Tahsildar of Madanapalle.

* 987 Q.—MR. S. SATYAMURTI. Will the hon. the Member for Revenue be pleased to state—

(a) how long the present Tahsildar of Madanapalle has been in the cadre of Tahsildars ;

(b) the length of his stay at Madanapalle as Tahsildar ;

(c) whether any representations were made against him to the Collector of Chittoor and the Government by a resident of Kandukur ;

(d) the allegations made therein ;

(e) the action, if any, which has been taken in the matter ; and

(f) if not, what the Government propose doing ?

A.—(a) For over eight years.

(b) The Annual Civil Lists show that he was Tahsildar of Madanapalle on 1st January 1924 but not on 1st January 1923. The exact date when he was posted to that taluk is not shown in the list.

(c) to (f) No record can be found of the receipt of any such representation.

Village Establishments.

Removal of distinctions between karnams and headmen.

* 988 Q.—MR. G. RAMESWARA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a memorial from the Karnams' Association, Palnad taluk, Guntur district, and the resolutions from the Madras Presidency Village Officers' Conference held in Chidambaram on 1st February 1925 to the effect that all distinctions between karnams and headmen must be removed and that they must be treated as equals in status for all purposes including the eligibility to local boards ;

(b) whether the Government have given its consideration to the subject of the memorial and the resolutions in this respect ; and

(c) what, if any, is the decision arrived at by the Government ?

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A.—(a) No record can be found of the receipt of any memorial from the Karnams' Association, Palnad taluk, Guntur district. The resolutions passed at the Madras Presidency Village Officers' Conference held at Chidambaram on 1st February 1925 have been received.

(b) Yes.

(c) The Government do not consider that the proposed change is either expedient or desirable.

Mr. P. ANJANEYULU :—"As regards the answer to clause (c), are we to take it that eligibility to local boards is included in the answer, karnams standing as candidates for local boards?"

The hon. Mr. N. E. MARJORIBANKS :—"Yes, Sir."

Arms and Explosives.

Grant of licence for the match factory at Tisayanvilai.

* 989 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state whether objection has been taken before the District Magistrate of Tinnevely to the grant of a licence for the match factory at Tisayanvilai and, if so, how it has been disposed of?

A.—No licence is required for the manufacture of safety matches. The District Magistrate was asked to have the factory removed, as it was dangerous to persons in the vicinity and refused.

Mr. A. RANGANATHA MUDALIYAR :—"I do not know what is meant by the word 'refused'. What was refused?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The District Magistrate refused to interfere in the matter."

Criminal Tribes Act.

Definition and settlements of 'Criminal tribes'.

* 990 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) the names of all classes or communities which come under the expression 'Criminal tribes';

(b) whether it is a fact that criminal tribes not living in settlements are required to sleep at nights in the nearest police stations leaving their wives and children elsewhere; and

(c) the places where there exist settlements of Criminal tribes at present?

A.—(a) A statement^a is laid on the table showing the criminal tribes members of which have been registered under sections 3 and 10 of the Criminal Tribes Act.

(b) No.

(c) Settlements of criminal tribes exist at present in the following places :—

- (1) Sitanagaram, Guntur district.
- (2) Stuartpuram, Guntur district.

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- (3) Kavali (Allur and Bitragunta), Nellore district.
- (4) Perambur, Madras.
- (5) Pallavaram, Chingleput district.
- (6) Aziznagar, South Arcot district.
- (7) Siddapuram, Kurnool district.
- (8) Kulasekarapatnam, Tinnevely district.

Mr. R. VEERIAN :—“ With reference to question (b), the answer is ‘ No ’. When concrete instances are produced, may I know if the hon. the Home Member will be pleased to make enquiries? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ If specific instances are brought to my notice, I shall certainly enquire.”

Depressed Classes.

Supply of water to Adi-Dravidas in Chidambaram taluk.

* 991 Q.—Mr. R. VEERIAN : With reference to question No. 21 answered on 18th August 1925 regarding the supply of water to Adi-Dravidas in Chidambaram taluk, will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether the matter said to have been under disposal has already been disposed of by the district officers ;

(b) if so, whether the Government will be pleased to furnish a copy of the report ; and

(c) if the matter has not yet been disposed of, at what stage the matter remains at present ?

A.—(a) Yes.

(b) & (c) A copy of the report * of the District Magistrate, South Arcot, with its enclosures is placed on the table.

Accidental loss to Adi-Dravidas in Venkarumbur.

* 992 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that in a village called Venkarumbur, Vriddhaachalam taluk, South Arcot district, some houses of the Adi-Dravidas were burnt down by accident some months back and the Revenue Inspector who went to the village to supply the necessary materials went away without rendering any help at the instigation of castemen ; and

(b) if they have no information, whether they will be pleased to call for the information ?

A.—(a) No.

(b) Does not arise.

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Aid to Adi-Dravida school, Sathiavady cheri.

* 993 Q.—MR. R. VEERIAN: Will the hon. the Home Member be pleased to state whether the Government are aware that an Adi-Dravida school was started more than a year back at Sathiavady cheri, Sathiavady village, Vriddhachalam taluk, South Arcot district, by the members of the depressed classes, but it has not yet been admitted for recognition or aid and that no help has been rendered by the Labour Department either though a resolution was passed in the matter and submitted to Government on 18th December 1924 by the depressed classes?

A.—Yes.

Atrocities of Kallars on Adi-Dravidas in Settippatti hamlet.

* 994 Q.—MR. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that a petition was submitted by an Adi-Dravida, Veerannan, son of Erulan, Settippatti, hamlet of Periakatalai, Usilampatti Post office, Madura, dated 28th August 1925, to the District Collector, Madura, Commissioner of Labour, Madras, and the Deputy Collector, Usilampatti, Madura district, complaining against the atrocities of Kallars committed on the Adi-Dravidas; and

(b) if not, whether they will be pleased to call for the information?

A.—(a) Yes.

(b) Does not arise.

MR. R. VEERIAN:—“ With reference to question (a), the answer is ‘ Yes ’. May I know whether any enquiries have already been made and if so by whom and what the results of such enquiries are ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“ Sir, the enquiry has been made and the accused were discharged.”

House-sites for Adi-Dravidas of Ambattur.

* 995 Q.—MR. R. VEERIAN: With reference to question No. 199 answered at the meeting of the Council, dated 20th August 1925, regarding house-sites for Adi-Dravidas of Ambattur, will the hon. the Home Member be pleased to state—

(a) whether the question of providing house-sites for the members of the depressed classes in Ambattur village, Chingleput district, said to be under the consideration of the District Collector, Chingleput, has already been disposed of;

(b) if so, with what results; and

(c) if the matter has not yet been disposed of, whether the Government will be pleased to ask the District Collector to dispose of the subject as early as possible in view of the fact that hardship is felt by the depressed classes?

A.—(a) Yes.

(b) The land applied for by the Adi-Dravidas has been reserved for house-sites for them. Owing, however, to faction among the Adi-Dravidas of the village, only five applications for house-sites were received up to the middle of August.

(c) Does not arise.

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Forests

Travelling allowance to Forest Rangers.

* 996 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member, the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether it is a fact that Forest Rangers are now paid travelling allowance according to the pay they draw;

(b) whether officers of the same status in the Revenue and other departments of Government are paid fixed travelling allowances;

(c) whether Forest Rangers are bound to maintain conveyances and whether they are paid only Rs. 15 per mensem therefor;

(d) whether Sub-Inspectors of Police are paid Rs. 30 per mensem for maintaining ponies;

(e) whether Sub-Inspectors of Police are considered lower in grade or status than Forest Rangers; and

(f) if so, the reason for paying a smaller allowance to Forest Rangers?

A.—(a) Yes.

(b) The hon. Member's attention is drawn to Annexure III of the Madras Travelling Allowance Rules appended to G.O. No. 739, Finance, dated 1st September 1922, which has been published. That annexure contains a list of the officials who draw fixed monthly travelling allowance.

(c) Rangers are not bound to maintain conveyances. Those who maintain a serviceable pony are paid a conveyance allowance of Rs. 15 per mensem.

(d) Sub-Inspectors of Police who maintain a horse receive a conveyance allowance of Rs. 25 per mensem.

(e) Yes.

(f) Because Forest Rangers draw travelling allowance under the ordinary rules in addition to the fixed allowance of Rs. 15 per mensem. Sub-Inspectors of Police are not entitled to travelling allowance for journeys within ten miles of their stations, a limit which covers most of the touring they have to do.

Differential rates of pay to Forest Rangers.

* 997 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that for Rangers who pass out of the Forest College, Coimbatore, differential rates of pay are given according to the nature of the certificate issued to them from the college;

(b) whether in the matter of their promotions from grade to grade preference is given to those who hold higher class certificates, without due regard being paid to seniority in service or merit;

(c) whether it is a fact that Rangers holding 'Higher' and 'Lower' certificates are superseded by Rangers trained in subsequent years merely because they hold 'Honours' certificates from the Forest College;

(d) whether it is a fact that the curricula of the Coimbatore Forest College have undergone rapid changes during recent years;

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(e) whether on that account it is not possible to compare between the Rangers of one annual batch and of another batch ;

(f) whether the Forest Code strictly lays down that promotions will be regulated on seniority coupled with merit of service ; and

(g) the reason for departing from the strict provisions of the Code and basing promotions and pay on the *class* of the certificate of the Forest College ?

4.--(a), (b) & (c) Students with Honours certificates are appointed as Rangers in the VI grade on Rs. 100, provided vacancies exist in that grade. Students with Higher Standard and Lower Standard certificates are appointed as Rangers in the VII grade on Rs. 80, but the Lower Standard men lose promotion for one year. The result of this is that those who obtain a Lower Standard certificate are placed on the graded list immediately below the Higher Standard students of the following year. No subsequent distinction is made between Higher Standard and Lower Standard men in the matter of promotion up to the highest grade in the Rangers' cadre.

(d) No, but certain minor changes in the curricula have been recently approved by the Chief Conservator at the instance of the Principal

(e) No such difficulty has been brought to the notice of the Government.

(f) According to the Forest Code, promotion of Rangers from grade to grade will be in the main by selection and cannot be claimed on grounds of seniority alone and promotion from grades above the fourth will be based more strictly on selection.

(g) No departure from the provisions of the Forest Code has been made.

*998 Q.—[Cancelled.]

Public Service.

Initial pay of graduate clerks in Government service.

* 999 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government have passed a Government Order to the effect that the rule regarding the appointment of graduates on a salary higher than that fixed for non-graduates should not be made applicable to those who pass the B.A. examination when they are in public service, and if so, what are the reasons for making the distinction ;

(b) whether the Government Order applies to clerks who have been given permanent appointments only, or whether it applies to persons who have not been confirmed before they pass the examination ;

(c) whether the Government intended that this Government Order should be enforced with retrospective effect ; and

(d) whether the clerks who graduated after the Government Order, have been asked to refund any increments paid to them before the Government Order, and whether the Government have any objection to issue an order that no such refund should be insisted on in such cases ?

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A.—(a), (b) & (d) The hon. Member is referred to the answer to question No. 29—given at the meeting of the Legislative Council held on 18th August 1925. The order applies also to clerks who held officiating or temporary appointments at the time they passed the examination.

(c) The order has effect from the date of G.O. No. 1025, Finance, dated 14th October 1921, which it interpreted.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, as regards clause (d), may I know whether the Government have any idea of considering why the clerks already in employment should not receive the same favours as new clerks ? ”

The hon. Mr. T. E. MOIR :—“ No.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards the last portion of the question, have the Government decided that no orders shall be passed ? ”

The hon. Mr. T. E. MOIR :—“ The Government do not propose to alter the existing order.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I do not mean the existing order ; I am only referring to the question of refunds.”

The hon. Mr. T. E. MOIR :—“ The rules will stand as they are.”

Tours.

Tours of the hon. the Ministers after 1st April 1924.

* 1000 Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Finance, the hon. the Minister for Local Self-Government, the hon. the Minister for Education and the hon. the Minister for Development be pleased to state—

(a) the travelling allowances the Ministers have drawn since the 1st April 1924 up to date ;

(b) the official business they did in those trips ; and

(c) the political business they did in those trips ?

A.—(a) The following figures show the total amounts of railway charges made by book adjustment plus bills drawn for actual expenses on account of each of the three hon. Ministers for the period in question :—

	RS.	A.	P.
(1) The hon. the Raja of Panagal, Minister for Local Self-Government	12,956	12	0
(2) The hon. Sir A. P. Patro, Minister for Education	6,695	5	0
(3) The hon. Diwan Bahadur T. N. Sivagnanam Pillai, Minister for Development	10,427	9	9

(b) & (c) The tours were made to get into touch with public opinion regarding the branches of administration under their charge and to enlighten the electorates.

Mr. S. SATYAMURTI :—“ With reference to the answer to clauses (b) and (c) of this question, may I ask the hon. Ministers,—I am sorry I have to ask them all together—whether apart from the deputations which wait on them

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and interviews they grant to select people, they employ any other means of getting into touch with public opinion regarding the branches of administration under their charge?"

The hon. the RAJA OF PANAGAL :—"Sir, the Ministers are themselves come into contact with the people. They address meetings."

Mr. S. SATYAMURTI :—"I want some enlightenment on that answer. I see two things mentioned in the newspapers regarding their tours, and they are the deputations which wait on them and the interviews which they grant to individuals who seek those interviews. Apart from those deputations and interviews, I am asking for some light as to the means by which the hon. Ministers get into touch with public opinion, regarding the branches of administration in their charge during these tours."

The hon. the RAJA OF PANAGAL :—"Sir, we have to visit several institutions to see how they are administered. In this connexion, too, we have opportunities to know public opinion."

Mr. S. SATYAMURTI :—"Surely, I must be very dense this morning. I am not, I am sorry, making myself clear. According to my humble judgment, inspecting the institutions as to how they are run is certainly not one of the means of ascertaining public opinion. The hon. the Minister says he has no other means of ascertaining public opinion. I want to know if, in his opinion, and in the opinion of his hon. Colleagues they have done nothing else than granting interviews and receiving deputations and, I will add, inspecting institutions under their charge, how then do they hope to get into touch with public opinion regarding the branches of administration in their charge?"

The hon. the RAJA OF PANAGAL :—"I am rather surprised at the observation of the hon. the Member for the University. I said that by visiting various institutions we come into touch with public opinion. If a Minister in charge of medical institutions has to see how a medical institution is run and how medical relief is given, he has to enquire at the institution and get information from the patients themselves. In many of my tours I had been to the in-patient wards in the hospitals and ascertained from the patients how medical relief is given, how they are treated in the matter of diet, etc.

"As regards the other point, viz., receiving deputations, I may say those deputations are deputations of representative men, and that the interviews given are to the leading men in the districts visited. Sometimes we have to address local bodies. For instance, when addresses are presented by local bodies we have to reply to them and in that connexion we have to uphold the policy of the Government after ascertaining the local opinion on particular matters."

Mr. S. SATYAMURTI :—"I shall leave it at that. The hon. Minister and myself differ as to public opinion. I am not surprised. But, with regard to the latter part of this question, with regard to enlightening the electorates, may I ask the hon. the Chief Minister to tell me and this House, how they have enlightened the electorates and how in this admittedly political work of enlightening the electorates—I presume on the policy of the party of which they are the heads—they have ventured to charge the public exchequer with the expense of their tours when, as you know, Sir, according to British

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Parliamentary practice the Ministers of the Crown when they enlighten the people on the policy of their party during their tours apart from the tours intended to carry out their official duties, pay from their pockets for their expenses ? ”

The hon. the RAJA OF PANAGAL :—“ Sir, upholding the policy of the Government does not necessarily mean upholding the policy of the party. To give a concrete example, there has been recently a new scheme of medical relief introduced. Now whether that scheme meets with the wishes of the public or not, it is the duty of the hon. the Minister in charge of the department to ascertain and if the scheme is criticized, he has to defend the policy of the Government. This does not mean defending the policy of the party.”

Mr. S. SATYAMURTI :—“ May I ask for some enlightenment as to the policy of the Government being different from the policy of the party? I am asking for some information, because I presume the only policy which the hon. Ministers are presumed to carry out is the policy of the party of which they are the heads. I cannot understand with regard to the transferred departments what is the policy of the Government which is not the policy of the party in power. Therefore, may I ask the hon. the Minister to be good enough to say whether in enlightening the electorates in their tours they have never espoused the policy of the party, but have always espoused the policy of the Government and if so what is the policy of the Government which is not the policy of the party ? ”

The hon. the RAJA OF PANAGAL :—“ So far as the policy of the Government in the transferred side is concerned it may be the policy of the party, but so far as the policy of the Government in the reserved side is concerned it may or may not be the policy of the party.”

Mr. S. SATYAMURTI :—“ I will leave that alone. My point is this : the hon. the Minister was good enough to say that in enlightening the electorate, he was trying to place before them the policy of the Government as distinguished from the policy of the party and as that is so, it is an answer to my question with regard to the expenses of the tours. But in view of the subsequent answer regarding the policy of the Government (reserved half), and the policy of the party, may I ask the hon. the Ministers how they charge to the public exchequer the expenditure which ought to be met from their pockets, since it is the policy of the party which they are expounding to the electorate and thereby persuading the electorates to put them again in power ? ”

The hon. the RAJA OF PANAGAL :—“ I shall make myself clear. Under the present diarchic system of Government, the policy of the party and the policy of the Government as a whole may not always be the same. As I have stated, the policy of the Government will be mostly the same so far as the transferred subjects are concerned as the policy of the party. But so far as the policy of the Government on reserved side is concerned, it may happen to be different from that of the policy of the party in power.”

Mr. S. SATYAMURTI :—“ May I ask if, in the course of these tours for enlightening the electorates, the hon. the Ministers have at any time felt called upon to expound the policy of the reserved half of the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, sometimes we have ? ”

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Mr. S. SATYAMURTI :—" May I know why the hon. the Minister who represents the party in power has felt called upon at the expense of the taxpayer, to defend the policy of the reserved half ? "

The hon. the RAJA OF PANAGAL :—" It is after all a combined Government and it is the duty of the hon. the Ministers as well as of the hon. Members to defend as far as possible the Government as a whole. "

Mr. S. SATYAMURTI :—" May I ask whether the hon. the Minister did this duty under the Montague-Chelmsford Report, the Government of India Act or what ? "

The hon. the RAJA OF PANAGAL :—" I have already answered that question. I said it is the duty of the Members and Ministers to defend the Government as a whole as far as possible. "

Mr. J. A. SALDANHA :—" May I know whether it is necessary for the hon. the Ministers to go on tour for the purpose of defending the reserved half ? Is it not possible for their officers to enlighten the people by their speeches, etc., on the policy of the Government ? Is it necessary for the hon. the Ministers to go all the way to distant villages to do this ? "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know from the hon. the Minister for Education why he was less in touch with the electorate ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" If the hon. Member for the City of Madras thinks that I should tour more frequently, I shall do so. I was not able to do more on account of the work here. However, I shall be glad to avail myself of the suggestion. " (Laughter.)

Mr. S. MUTTAYYA MUDALIYAR :—" May I take it that the policy of the transferred half is always to defend the policy of the reserved half also ? " (Laughter.)

The hon. the RAJA OF PANAGAL :—" Not always. "

Mr. S. SATYAMURTI :—" May I ask how it happens that the tours of the hon. the Minister for Education and of the hon. the Minister for Development happen to be more often than not to Ganjam and Tinnevely districts, respectively ? Are the electorates there particularly ignorant ? Is it that the electorates there stand very much in need of enlightenment by them ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not know what the hon. Member means. If he will give a specific case, then I will answer. "

Mr. P. ANJANEYULU :—" Does the getting into touch with public opinion regarding the branches of administration in charge of the respective Ministers include also the way in which they should vote or the persons whom they should elect ? " (Laughter.)

Mr. C. RAMALINGA REDDI :—" I understood the hon. the Chief Minister to say that the Ministers are bound to defend the reserved Government. Have they always defended the reserved Government ? "

The hon. the RAJA OF PANAGAL :—" Not always. So far as the policy of the party is not opposed to the policy of the Government on the reserved side, it is their duty to defend the Government as a whole. "

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Mr. S. MUTTAYYA MUDALIYAR :—“ May I ask the hon. the Chief Minister whether the Ministers have on any occasion taken exception to the conduct of the reserved half in their tours ? ”

The hon. the RAJA OF PANAGAL :—“ No. Not outside the Cabinet.”

Mr. C. RAMALINGA REDDI :—“ Do I understand the hon. the Minister to say their defence goes to the extent of agreement and no further ? ”

The hon. the RAJA OF PANAGAL :—“ Yes.”

Mr. C. RAMALINGA REDDI :—“ So I take it that the hon. the Ministers express their opinion when they appreciate and not when they depreciate.”

The hon. the RAJA OF PANAGAL :—“ Not so. We will communicate the views of the public to the members of the reserved side.”

Mr. S. SATYAMURTI :—“ May I take it therefore that they are eloquent when they agree with the reserved half, but are silent when they do not agree ? ” (Laughter.)

The hon. the RAJA OF PANAGAL :—“ No, it does not mean that (laughter) because when we know that there is a strong feeling against any measure proposed by the reserved half, we communicate the fact to the Members of the Executive Council.”

Mr. C. RAMALINGA REDDI :—“ That means, silent in public but eloquent in private.”

Mr. S. MUTTAYYA MUDALIYAR :—“ May I take it that the policy of the Ministers is never to express their opinion about the policy of the reserved half but only to communicate to them the feelings of the public on them ? ”

Mr. J. A. SALDANHA :—“ May I inquire, Sir, why the Executive Council Members themselves do not go on tour to defend their policy ? ” (Laughter.)

The hon. the PRESIDENT :—“ Order, order. That question does not arise. We are on Ministers' tours.”

Local Boards and Municipal Councils.

Nomination to Kovilpatti Taluk Board, Tinnevely.

* 1001 Q.—Mr A. CHIDAMBARA NADAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many members are nominated to the Kovilpatti Taluk Board in Tinnevely district ;

(b) whether it is a fact that a member of Nayudu and one of Moopanar community have been nominated to the board, in spite of the fact that nine members of the Nayudu community and two of the Moopanar community have been returned elected ; and

(c) whether any representation has been given to the Nadar community ?

A.—(a) Six.

(b) A Nayudu (Kavarai) and a Moopanar have been appointed. On the date of these appointments, there were seven elected members of the Kamma community and one elected member of the Moopanar (Christian) community on the taluk board.

(c) One Christian Nadar has been appointed.

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The Roads Committee.

* 1002 Q.—MR. C. GOPALA MENON: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of times the Roads Committee has met since it was appointed;

(b) the amount of travelling allowance paid for members attending this Committee; and

(c) the scheme or schemes including the programme of construction of new roads suggested by the Committee?

A—(a) Seven.

(b) The information is not available.

(c) Copies of the proceedings* of the Road Board of the first five meetings were placed on the Council table in reply to clause

(1) of question No. 535 answered on the 18th December 1922. Copies of these proceedings and also of the last two meetings are now placed on the table.

The RAJA OF RAMNAD:—"May I ask the hon. the Chief Minister whether any of the recommendations of the Road Committee has been given effect to?"

The hon. the RAJA OF PANAGAL:—"I should like to have notice of the question."

Re-nomination of the President, Rajampet Taluk Board.

* 1003 Q.—MR. K. KOTI REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the reasons why the President of the Rajampet Taluk Board, in the district of Cuddapah, was re-nominated; and

(b) whether any meetings were held in the taluk board area protesting against the proposed nomination and requesting to throw open the presidency for election?

A—The attention of the hon. Member is invited to question No. 101 asked at the meeting of the Legislative Council on the 19th August 1925 and the answer thereto. The Government have nothing to add to the answer then given.

Nominations to the Municipal Council, Hindupur.

* 1004 Q.—MR. G. RAMESWARA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that there is no Brahman member in the municipal council at Hindupur, Anantapur district;

(b) whether the opinion of the local authorities was taken as regards the advisability of nominating a Brahman;

(c) whether three of the nominated seats were vacated in September 1925; and

(d) whether nominations have been made, and if so, who are the persons appointed?

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A.—(a) & (c) Yes.

(b) No.

(d) Yes. The nominations submitted by the Collector are under consideration.

Mr. G. RAMESWARA RAO :—“ In view of the answer to clause (a) of this question, may I know if it has been decided to give a place on the Hindupur Municipal Council to a Brahman member ? ”

The hon. the RAJA OF PANAGAL :—“ No. That depends upon the recommendation of the Collector. He has to submit his recommendations for nomination.”

Mr. G. RAMESWARA RAO :—“ May I know if the Collector has been requested to bear this fact in mind ? ”

The hon. the RAJA OF PANAGAL :—“ The hon. Member may move the Collector.”

Mr. G. RAMESWARA RAO :—“ It is more easy for me to move the hon. Member concerned than the local officer. I thought the hon. the Minister was more responsible than the Collector.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is every other community represented on this body, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ I cannot say that.”

Mr. R. SRINIVASA AYYANGAR :—“ Is not the hon. Minister responsible for the nomination, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, the Minister is responsible for the nomination, but the recommendation has to come from the Collector ? ”

Mr. R. SRINIVASA AYYANGAR :—“ Are other avenues shut out ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, they may come.”

Mr. R. SRINIVASA AYYANGAR :—“ But the responsibility is that of the Minister.”

Strength and constitution of the Madanapalle Union Board.

* 1005 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what was the total strength of the Madanapalle Union Board on the 31st of May 1925 and on the 30th of September 1925 ;

(b) how many of these are elected and how many nominated ;

(c) who are the nominated members and what interests they represent ;

(d) whether one of the nominated members is a brother-in-law of the Madanapalle Taluk Board President and has actually no house of his own in the union limits ;

(e) whether his nomination was made with the approval of or in consultation with the then president of the union board ;

(f) whether it is a fact that since the new union board was constituted an appreciable number of voters have been disfranchised and that this proposal has been approved by the district board ;

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(g) whether applications were sent by members of the depressed classes and backward communities soliciting nomination to the union board ;

(h) why no representative of these communities was nominated by the President of the Madanapalle Taluk Board ; and

(i) whether the Government have been addressed by a section of the Madanapalle public on the unsatisfactory state of the union affairs ?

A.—(a) & (b) The necessary lists * are laid on the table.

(c) The nominated members represent minority communities.

(d) The answer is in the affirmative, he has a house of his own within the union.

(e) The answer is in the negative. It is not necessary to consult the president, union board.

(f) The answer is in the affirmative. The union board exempted from the payment of house-tax houses below a certain value. The result was to disfranchise the owners. The approval of the district board is not necessary to this exemption by the union board.

(g) & (h) No such applications were received.

(i) The answer is in the negative.

Nomination to taluk boards under section 9 (5) of the Local Boards Act.

* 1006 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that in or about March or April last instructions or suggestions were issued or made to the presidents of district boards in the matter of nominations to the taluk boards laying special stress on the observance of section 9 (5) of the Local Boards Act, 1920 ; and

(b) if the answer be in the affirmative, whether they were actually given effect to in the nominations made ?

A.—(a) Instructions were issued in 1920 and 1922 and the question of issuing further instructions was under consideration.

(b) They are generally observed. If any case of non-observance is brought to notice, the matter is enquired into.

Representation of the depressed classes in the Negapatam Taluk Board.

* 1007 Q.—Mr. R. VEERIAN. Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received any representation from one Mr. A. Sivaramasami Pillai, President, Adi-Dravida Mahajana Sabha, Negapatam, dated 8th August 1925, regarding the claims of depressed classes on the Negapatam Taluk Board ;

(b) whether any representative of the depressed classes is now on the Negapatam Taluk Board ;

(c) if so, whether he is a member of the depressed classes ;

(d) if there is no representative belonging to the depressed classes appointed already on the Negapatam Taluk Board, the reason for not doing so ; and

(e) if the Government have no information with reference to clauses (a) to (d), whether they will be pleased to call for the information ?

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4.—(a) A copy of a representation addressed to the President, District Board, Tanjore, was forwarded to Government by the hon. Member himself with a covering letter dated 16th August 1925.

(b), (c), (d) & (e) Information has been called for.

Mr. R. VEERIAN :—“ With reference to the answer given in clause (b), may I know why due regard has not been given to the claims of the depressed classes while making nominations to this local board ? ” 11-30 a.m.

The hon. the RAJA OF PANAGAL :—“ Information has been called for.”

Mr. R. VEERIAN :—“ May I know whether the information said to have been called for has already been received ? ”

The hon. the RAJA OF PANAGAL :—“ Not yet, I think.”

Mr. R. VEERIAN :—“ It is four months since the representation was made. May I know why the information said to have been called for has not yet been received ? ”

Medical.

The Leprosy Settlement at Tirumeni

* 1008 Q.—Mr. A. RAMASWAMI MUDALIYAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether his attention has been drawn to the articles appearing in the local Press regarding the grave danger and risk to which the residents of Chingleput municipality are subjected by the close proximity of the Leper Settlement at Tirumeni and by the fact that the leper patients of the settlement are allowed to mix freely with the residents of the Chingleput municipality ;

(b) whether the hon. Minister is aware that the Chingleput railway station is the place where lepers must of necessity congregate either at the time of seeking admission or at the time of departure after discharge ;

(c) whether the Government are further aware that at present the system of boarding the lepers in the asylum is very unsatisfactory and that lepers are generally given raw rations, such as rice, dhol, etc., which they have to cook for themselves ;

(d) whether the Government are further aware that it is not an uncommon practice for these lepers to sell the rations to villagers in the surrounding area or to petty shop-keepers ;

(e) whether the Government realize the serious risk involved in such transactions, and if so, what action they propose to take to stop them ;

(f) whether it is a fact that owing to lack of sanitary arrangements, the lepers of the colony stray about and generally commit nuisance in the channels near by, which are some of the channels which serve the adjacent villages, or within the catchment area ;

(g) what is the monthly total of admissions and discharges from the time of opening of the settlement to the end of August 1925 ;

(h) whether there are any conditions which are to be satisfied before a patient is discharged from the hospital, or whether he is bound to be discharged at his will ; and

(i) whether the Government contemplate extending the Leprosy Act to the district of Chingleput or in some manner restricting the free movement of the lepers at the settlement ?

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A —(a) Yes.

(b) Yes.

(c) No complaints have been received by the management in regard to the present system of boarding. The system is one that has been adopted from other Leper Settlement already in existence where it has been found to work satisfactorily.

(d) & (e) No cases of the kind referred to have come to the notice of the management.

(f) The latrine and other sanitary arrangements in the settlement are satisfactory. Watchmen are employed to see that the inmates do not commit nuisance in the channels near by.

(g) The monthly total of admission and discharges are as follows :—

	Admissions.	Discharges.
May	134	110
June	136	94
July	131	137
August	42	80

(h) The inmates are discharged at their own request.

(i) The Government are considering the question.

Mr. J. A. SALDANHA :—“ With reference to the answer given in clause (g), may I know the reason for so many discharges of patients in each month and under what conditions they are discharged ? ”

The hon. the RAJA OF PANAGAL :—“ In some cases the patients themselves must have asked for discharge, while in other cases the authorities might have thought that the patients have sufficiently improved in their health for their being discharged.”

Mr. J. A. SALDANHA :—“ May I know whether this statement is only a guess work or based upon information ? ”

Mr. SAMI VENKATACHALAM CHETTIYAR :—“ May I know from the hon. the Minister for Local Self-Government that the water of this area is drained off into the tank and is being used by the people ? ”

The hon. the RAJA OF PANAGAL :—“ The Government have no information. They will enquire.”

Mr. J. A. SALDANHA :—“ May I know whether the Leprosy Act is not now restricted to cases of leprosy in an advanced stage ? Is the hon. Minister not aware that there has been an amendment to the Act under which this restriction has been removed ? ”

The hon. the PRESIDENT :—“ Under what subdivision is the hon. Member asking that question ? ”

The hon. the RAJA OF PANAGAL :—“ I should like to have notice of the question.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I know whether there have been any discharges owing to cure ? ”

The hon. the RAJA OF PANAGAL :—“ In most cases the disease is arrested. I do not know whether I am justified in saying that cure is effected in all these cases.”

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Mr. T. ADINARAYANA CHETTIYAR :—“ Taking the total number of admissions and discharges and deducting the one from the other, are we to take that there are 28 lepers in the colony at present ? ”

The hon. the PRESIDENT .—“ That is a mathematical problem, I am afraid.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Does the Government contemplate with equanimity the inconvenience that is caused to these lepers by asking them to cook their own food ? ”

The hon. the PRESIDENT .—“ That is not asking for information.”

Mr. T. ADINARAYANA CHETTIYAR :—“ In clause (c) it is said that these lepers are given rations and are asked to cook them themselves. Since it is a well-known fact that these lepers are in the advanced stage of their disease, and as extremities are often badly affected usually, may I know whether it is safe, even in their own interests, to allow them to cook their own food ? ”

The hon. the RAJA OF PANAGAL .—“ The authorities concerned will consider such cases and make special arrangements ”

Mr. A. RAMASWAMI MUDALIYAR :—“ The answer given in clause (c) is that ‘ No complaints have been received by the management in regard to the present system of boarding ’. The question in sub-clause (d) is ‘ whether the Government are further aware that it is not an uncommon practice for these lepers to sell the rations to villagers in the surrounding area or to petty shopkeepers ’. I am personally responsible for the statement that that is the fact. May I suggest that, on the assurance that I give the hon. the Minister, he will make some enquiry and see that these lepers cook their food with the rations which are given to them, and not take them and sell them outside, thus endangering the safety and health of the people outside.”

The hon. the RAJA OF PANAGAL .—“ The request will be considered.”

Retrenchment in medical service.

* 1009 Q.—Mr. G. RAMESWARA RAO Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether permanent holders of appointments in the medical line are being given notice to quit ;

(b) whether there are any who have been in service for 25 years without retiring ; and

(c) why young men with up-to-date knowledge of medicine and surgery are being dispensed with, while older men are retained in the service ?

A.—(a) Yes. The cadre of sub-assistant surgeons has been reduced owing largely to the employment of private medical practitioners by local bodies.

(b) Yes. Officers who have been promoted to the selection grade are retained in service even though they have been in the department for more than twenty-five years.

(c) The principles governing the discharge of sub-assistant surgeons have been explained in full in the answer given to question No. 165 at the meeting of the Legislative Council held on the 6th February 1924

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Public Health.*Alleged death of a child due to vaccination.*

* 1010 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Government have received any memorial or any other papers connected with the death of a child at Tirupur as a result of vaccination;

(b) whether any inquiry has been made into the matter, and if so, with what result; and

(c) whether the Government have any intention of introducing any Bill with a view to giving exemption to those who have conscientious objections to compulsory vaccination?

A.—(a) & (b) The hon. Member's attention is invited to the answer given to question No. 74 on 18th August 1925.

(c) There is no such intention at present.

Mr. C. V. VENKATARAMANA AYYANGAR:—"The answer given in clause (c) is 'there is no such intention at present'. May I know whether the Government are considering this matter, or after considering it have come to that conclusion?"

The hon. the RAJA OF PANAGAL:—"They are not considering the matter at present."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Did they consider it at any time before?"

The hon. the RAJA OF PANAGAL:—"That is a large question and I should like to have notice of it. It might have been considered some years back. I cannot be sure of that. I am only saying there is no such intention at present."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I am only appealing to the hon. the Minister to say whether after he assumed his office four or five years ago, this matter was considered, or was it taken up at any time, more especially in view of the prominent incident which occurred at Tirupur?"

The hon. the RAJA OF PANAGAL:—"All I can say is that the matter is not at present under consideration."

Mr. C. V. VENKATARAMANA AYYANGAR:—"I wish to know whether the matter was considered at any time during these four years?"

The hon. the RAJA OF PANAGAL:—"I do not remember the question having been considered before. But if the hon. Member wants definite information I can give him that, only after he has given notice of the question."

Religious and Charitable Endowments.

Inclusion of Jain endowments under the Hindu Religious Endowments Act I of 1925.

* 1011 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state whether it is a fact that the Hindu Religious Endowments Board has called upon the Jain trustees for returns of income and expenditure of their temples; if so, whether the Government propose to include the Jain endowments also under the purview of the Madras Hindu Religious Endowments Act I of 1925?

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A --The question of applying the Hindu Religious Endowments Act to Jain temples has not yet been considered, and no returns have wittingly been called for from Jain institutions.

Education.

Building for the Municipal High School, Anantapur.

* 1012 Q.--**MR. G. RAMESWARA RAO**: Will the hon. the Minister for Education and the hon. the Minister for Local Self-Government be pleased to state--

(a) whether a site has been selected by Government for the Municipal High School, Anantapur;

(b) whether plans and estimates have been prepared; and

(c) whether the Government would be prepared to expedite the building in view of the urgent need for it?

A --(a) & (b) From the Administration report of the Anantapur Municipal Council for 1924-25, it appears that the Council has approved a site for the High school and has requested the Executive Engineer to prepare a plan and estimate for a new building.

(c) The matter will be considered when proposals for the construction of the building are received from the Chairman, Municipal Council, Anantapur.

Education of the untouchables.

* 1013 Q.—**Rao Sahib R. SRINIVASAN**: Will the hon. the Minister for Education be pleased to state—

(a) the approximate total population of each of the depressed classes shown in the list published in the *Fort St George Gazette* of the 23rd June 1925 under G.O. No. 855, Law (Education), Notification No. 142, who are considered as untouchables or unapproachables;

(b) whether the amount allotted to the (depressed classes) untouchables will be spent on their education as hitherto, or on all classes mentioned in the lists Nos. I and II;

(c) whether the amount of allotment will be increased proportionately to the number of classes added to the list;

(d) whether the Government propose increasing the allotment as the number of the depressed communities (untouchables) taking to education increases in greater numbers; and

(e) whether the concession mentioned in the Government Order will be allowed only to those students—

untouchables who were converted during their pupilage, or descendants of Christian converts from the untouchables, or descendants of parents converted from the untouchables and other converts?

A.—(a) The following is a list of the classes referred to:—

Adi-Dravidas.	Madigas.	Nadaris.
Adi-Andhras.	Malas.	Valluwans.
Chakkiliyans.	Pallans.	Nayadis.
Chalavadics.	Haddis.	Koragas.
Cherumas.	Bavuris.	Kotas.
Holeyas.	Dandasias.	Polaiyans.

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Depressed classes comprise—

- (1) aboriginal and hill tribes.
- (2) criminal tribes.
- (3) untouchables.

The attention of the hon. Member is invited to the Census Report for the information as to the population of each of the classes.

- (b) The provision made for the education of the depressed classes is intended for those classes only and not for other classes.
- (c) & (d) Yes, if funds are available.
- (e) The concession sanctioned in G.O. No. 855, Law (Education), dated the 19th May 1925, is applicable to Indian Christian pupils who or whose parents belong to one of the depressed classes mentioned in list No. 1 appended to the order.

Agriculture.

Sowing of Tangedu seed in Anantapur district.

* 1014 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether Tangedu seed is voluntarily sown by ryots in any portion of Anantapur district; and

(b) if so, where, in how many acres and in what years it was so done?

A.—(a) & (b) Tangedu is not sown voluntarily by ryots in Gooty and Tadpatri taluks. The Government have no information in respect of the other taluks in the district.

UNSTARRED QUESTIONS.

Land Revenue.

Assignment of Survey No. 106 B and part of Survey No. 122 A to private individuals.

1015 Q.—Diwan Bahadur M. KRISHNAN NAYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the ryots of Mullimalai, hamlet of Kilkund village in the Nilgiris district, have sent a petition to the Board of Revenue protesting against the assignment of Survey No. 106 B, and part of Survey No. 122 A to private individuals;

(b) whether the pathway to the hamlet lies through Survey No. 106 B;

(c) whether Survey No. 106 B is the grazing ground for the cattle of the village during the rainy season and whether it supplies firewood for the daily use of the villagers;

(d) whether forty years ago a petition of one Mr. Havelock, a planter, for assignment of Survey No. 106 B to him was rejected for the reason that it was the grazing ground for the cattle of the village; and

(e) whether the Government will consider the advisability of prohibiting the assignment of two survey numbers to private individuals?

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4.—(a) to (c) The attention of the hon. Member is drawn to the answer to question No. 980. The portions assigned contain no shola or firewood.

(d) There was an application in 1884 for 100 acres of land. This appears to have been rejected; but it is not clear from the records that this 100 acres included the area now assigned.

(e) The Standing Orders have been followed in each case. The Government do not propose to issue any such orders.

Forests.

Extent of pasture land in Cuddapah.

1016 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that in the district of Cuddapah there is a large extent of pasture land under the control of the Forest department far in excess of the needs of the indigenous cattle;

(b) whether it is a fact that in that district the Forest department collects grazing fees at the rate of Rs. 1-8-0 per head of cattle from other districts, for instance Nellore, while as for the indigenous cattle it is charged at As. 4 only per head;

(c) if so, what are the reasons for such a differential treatment; and

(d) whether the Government will consider the necessity of abolishing this differential treatment?

A.—(a) The area under the control of the Forest department is not primarily pasture land but valuable timber forest in which a limited amount of grazing is permitted.

(b) The grazing fees are as follows:—
Foreign cattle Re. 1 per cow unit.
Local cattle 3 annas per cow unit.

(c) The amount of grazing available in the Cuddapah forests being limited, the Government consider that the local inhabitants should be given some preference.

(d) The question is under the consideration of the Conservator.

Public Service.

Pay of clerks who graduate after employment.

1017 Q.—Diwan Bahadur M. KRISHNAN NAYAR: Will the hon. the Member for Finance be pleased to state with reference to Government memorandum No. 9007-15 R-1., dated 26th March 1925, regarding the pay of clerks who graduate after employment whether it is the intention of the Government to withhold the concession allowed in G.Os. No. 1025, Financial, dated 14th October 1921, and No. 74, Financial, dated 21st January 1922, from clerks who pass the B.A. Degree examination after entry into the Public Service?

A.—The answer is in the affirmative.

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Local Boards and Municipal Council.*Assignment of municipal land to Mr. Kondappa in Anantapur.*

1018 Q.—Mr. B. OBALLESAPPA. Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the present municipal chairman of Anantapur has assigned a portion of municipal land fit for house-sites, to one Mr. A. Kondappa, B.A., B.L., Municipal Councillor, for agricultural purposes; if so, what is the extent and the price fixed;

(b) whether it is a fact that the present value of similar land in the neighbourhood exceeds three rupees a cent;

(c) whether the chairman has received the sanction of the municipal council for assigning it for such a low price;

(d) whether it is a fact that the house-sites in the municipality were usually sold by public auction and why this practice was not observed in the present case; and

(e) if the Government have no information, whether they will be pleased to call for the information?

A.—The Government have called for information

Nominations to Anantapur district board

1019 Q.—Mr. B. OBALLESAPPA. Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the president, district board, Anantapur, has recommended to the Government persons for the two nominated seats in the Anantapur district board that had fallen vacant in the month of August 1925;

(b) whether the Government have approved the nominations; if so, whether those two nominees are actual representatives of the depressed or backward classes; and

(c) whether the Government have received any application from others for those seats; if so, why their claims were not considered?

A.—(a) The answer is in the affirmative.

(b) One of the vacancies has been filled by the appointment of a person belonging to the Parsee community. In the other vacancy the Government propose to appoint an Indian Christian as this community has at present no representative on the board.

(c) Memorials urging the appointment of certain Muhammadans were received; but the Government do not consider it necessary to appoint a Muhammadan as there are already three persons belonging to this community on the board.

Sinking of wells in Salem district.

1020 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Local Self-Government be pleased to state whether a contribution of Rupees 20,000 made under G.O. Mis. No. 3371, I. & M., dated 18th September 1925, by the Government to the Salem District Board to sink public wells in village areas was on the condition or implied understanding

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(a) that all such wells should be for the use of all classes of people irrespective of caste, creed or colour;

(b) that they should be sunk in a convenient centre for the people in cheris and caste villages;

(c) that if they are far apart, two wells should be sunk, one in cheri and another in village, giving preference to the former wherever funds are found insufficient; and

(d) that all such wells should be considered as public wells?

A.—(a) & (d) The conditions referred to were not expressly laid down in the Government Order. Wells sunk at the cost of Provincial and local funds are however public wells and are open to all classes of people.

(b) & (c) The answer is in the negative.

[Note.—An asterisk * at the commencement of a speech indicates revision by the Member.]

II

(i)

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE IN REGARD TO THE NOMINATION OF MR. O. TANIKACHALAM CHETTIYAR TO THE CORPORATION.

* Mr. S. SATYAMURTI :—“ Sir, I ask for leave to move that the business of this House be adjourned to discuss a definite matter of urgent public importance, namely, the nomination to the Council of the Corporation of Madras by the Government of Mr. O. Tanikachalam Chettiyyar, a gentleman who was defeated at the recent elections, which is a fraud upon the power of nomination vested in the Government and which is calculated to bring the administration of Local Self-Government into contempt and ridicule.”

* The hon. the PRESIDENT :—“ I shall have to read the statement. It has been moved that leave be given for moving the adjournment of the House, to consider a definite matter of urgent public importance, namely, the nomination to the Council of the Corporation of Madras by the Government of Mr. O. Tanikachalam Chettiyyar, a gentleman who was defeated at the recent elections, which is a fraud upon the power of nomination vested in the Government and which is calculated to bring the administration of Local Self-Government into contempt and ridicule. I am satisfied that this is a definite matter of public importance, but I am not satisfied as to its urgency because in order to convince me of its urgency it must be shown whether it is possible to recall the nomination of Mr. Tanikachalam Chettiyyar. If it is possible to convince me of that, then I shall consider the question whether it is urgent.”

* Mr. S. SATYAMURTI :—“ I should just like to make two submissions on the matter. You may remember that your distinguished predecessor, the late Diwan Bahadur L. D. Swamikannu Pillai, with regard to an analogous matter, generally left it to the sense of the House to decide whether the matter was urgent or not. But that is certainly not enough for this purpose. However, I submit there are two points which I wish to put forward on the question whether the matter is urgent or not: the first is that it is perfectly

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open to my friend, Mr. Tanikachalam Chettiyar, to resign his seat on the Madras Corporation, and I have no doubt he will, if this motion is carried by this House. So that, if I am ready to prove that public opinion in this Council and outside in the Presidency."

* The hon. the PRESIDENT:—"Order, order. I ask for enlightenment whether it is possible for Government to recall the nomination. If Mr. Satyamurti can show me whether it is possible to recall the nomination already made, it would be enough for my purpose."

* Mr. S. SATYAMURTI:—"On that matter, I must plead ignorance because I do not know what the powers of the Government are, as they seem to baffle me day after day. So far as the urgency of the matter is concerned, I hear that there are further nominations pending with the Government, and I want that this Council and the public should be given an adequate opportunity of discussing this matter and conveying their opinion to the Government lest they should make such nominations again. I quite agree that so far as the question of revocation of the nomination already made is concerned we have no power to revoke it. But there is another evil which I want to prevent, namely, the perpetuation of the same wrong in future. I think that this House should be given an opportunity of expressing its opinion, that it does not want those further nominations."

'The hon. the PRESIDENT:—"With regard to the other point urged by Mr. Satyamurti, it seems to me that further nominations of this character can be easily prevented by a resolution carried by this House in the ordinary manner. The only possible objection to this suggestion could be that it should have to stand the chance of a ballot. It seems to me that if party organization were as effective outside the House as it is inside, it would be possible even for the smallest party to see to it that a resolution of this character goes through the ordeal of the ballot successfully. It was open to hon. Members of this House to have tabled a resolution in the ordinary manner and to have got it through the ballot in the ordinary manner. It seems to me that motions for adjournment of the business of the House must be allowed only if they are so urgent that it is not possible in any other way to allow the House to express its opinion. Therefore I am not convinced of the arguments put forth by Mr. Satyamurti. If he has any further statement to make I shall be much obliged."

* Mr. S. SATYAMURTI:—"Sir, in view of the observations which you have just now made, I have only to make one or two statements. I quite appreciate what you say with regard to party organization. The Madras Presidency covers a very large area and this nomination was made only a few days ago. Within the short time at my disposal, to get into touch with all the important people belonging to my party, table a resolution and then get them through the ballot was certainly impossible for me for this meeting. I am told that there will be no meeting in January, and in February and March there will be the budget. With due deference to what has fallen from your lips, and considering the obstacle race we have to run in regard to resolutions—I may frankly admit the absence of the party organization which you have just now pointed out—I would ask you to stretch the point in my favour."

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"They have made this nomination. They know the grounds. The House will not be affected. Nobody will be affected. I agree that in the ideal circumstances when party organization functions effectively, we ought to be able to get these things through. But now we are working with an imperfect organization. I therefore request you to stretch a point in my favour and do justice, avoiding technicalities."

11-45
a.m

* The hon. the PRESIDENT :—" I agree with the hon. Member that it was no doubt difficult; but it was certainly not impossible to have had resolution tabled on the subject and I am sure, efficient party leader as he is, it would have been quite possible for him to have got the resolution through. As I said, these motions for adjournment must be motions of an urgent character. Not being convinced that it is of an urgent character I regret I cannot accept the motion."

II

(ii)

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE IN
REGARD TO THE PROHIBITION OF EZHUVAS FROM ENTERING THE
KALPATHI AGRAHARAM.

' Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I wish to move an adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, viz, the policy of the Government underlying the order under section 144, Criminal Procedure Code, passed by the Divisional Magistrate of Palghat on the 13th November 1925 prohibiting Ezhuvas and others from entering the streets of the Brahman villages in and around Kalpathi during the local car festival from the 13th to the 16th November 1925."

* The hon. the PRESIDENT :—" As regards this motion for leave, may I know whether this order is still in force ?"

' Diwan Bahadur M. KRISHNAN NAYAR :—" The policy is still in force."

' The hon. the PRESIDENT :—" I am glad the hon. Member used the word ' policy ' ; because it makes it easy for me to make up my mind. Motions of this kind must refer to a definite matter of urgent public importance. By ' matter ' of course is meant generally an event and not a whole policy of the Government. Therefore I should like to be satisfied that this order is still in force."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I submit, Sir, that I have worded my motion in such a way as to discuss the policy of the Government underlying the order. I want to discuss the policy which is still in force. The policy of prohibiting Ezhuvas and other communities is still in force."

The hon. Sir C. P. RAMASWAMI AYYAR :—" Question."

* Diwan Bahadur M. KRISHNAN NAYAR :—" This matter is urgent in this way, Sir. Immediately after the particular order relating to Kalpathi was passed, in another temple in Malabar where till now, the Ezhuvas have been in the habit of going, the Nambudri class, the Prahman community of Malabar, prayed the Divisional Magistrate to pass an order under section 144, like the order which he passed with reference to Kalpathi. But he refused to pass the order. Other festivals are coming in the course of the

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next fortnight or so in North Malabar, and I am not sure that similar orders will not be passed there also prohibiting Ezhavas and other communities from going along the public streets. Unless this House discusses the matter now, nothing can be done to prevent any more orders of the same type. The question whether members of these classes can or cannot go through these public streets in Malabar is one of public importance surely."

* The hon. the PRESIDENT:—"I am quite convinced of the public importance of this matter. With regard to this motion the same objection urged against the hon. Member Mr. Satyamurti's motion applies. It seems to me that the order not being in force by having expired, it is quite open to the hon. Member to discuss the future policy of the Government here by an ordinary resolution tabled in an ordinary manner. Therefore, I regret. . ."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, before you rule (laughter) may I make the following submission?"

"The festival in that temple in North Malabar commences in a few days, in the Malabar month of *Dhanu* which commences the day after to-morrow. Obviously there is no opportunity for me to table a resolution for discussion in this meeting. It requires 15 days' notice and as you stated with reference to my Friend Mr. Satyamurti's motion it has to undergo the risks of the ballot. In any case even if I succeed in inducing all my friends of this party to table the same resolution and succeed in the ballot, there is no possibility of moving a resolution of this kind before the particular festival takes place. It is physically impossible to have a resolution tabled in the ordinary way."

* The hon. the PRESIDENT.—"The risks of the ballot in the case of Mr. Krishnan Nayar are not so great as in the case of the hon. Member, Mr. Satyamurti. I believe he belongs to what is known as the Majority Party in the Council."

* Mr. C. RAMALINGA REDDI:—"Question."

* The hon. the PRESIDENT:—"I regret therefore I cannot accept the view that the matter proposed to be discussed is urgent. But in view of the public importance of this question the hon. the Law Member has asked me to permit him to make a statement in regard to the matter and I shall call upon him to do so."

III

STATEMENT REGARDING THE PROHIBITION OF EZHUVAS FROM ENTERING THE KALPATHI AGRAHARAM.

* Mr. S. SATYAMURTI:—"Sir, I am sure the House will be obliged to the hon. the Leader of the House for his statement. But I should like to know under what rule or Standing Order he is allowed to make the statement. We must follow some rule or Standing Order in these matters. Supposing the hon. Member makes the statement, and we do not agree with some of his points, there is no opportunity for us to follow the hon. Member by a discussion in order to contradict or controvert his statement."

* The hon. the PRESIDENT:—"Such statements on very important matters have been made on the floor of the House. If the House does not want the hon. the Law Member to make that statement, I am perfectly ready

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not to call upon him. In view of the occurrences and the public importance of the question and the fact that the public mind has been exercised over this matter, I thought the House would gladly accept this offer of the hon. the Law Member to make a statement with regard to that matter. As to the question whether there can be a discussion on the matter I have to say that certainly there cannot be a discussion. But, as on previous occasions, I am willing to allow hon. Members to put questions in order to elucidate the statement made by the hon. the Law Member."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"If there is any feeling on the part of any hon. Member that the statement to be made by me on this occasion will place any one or more at a disadvantage, I shall, having regard to the importance of the matter to which the hon. Member has referred, if I may say so, perfectly legitimately, issue a communiqué on this question. I am wholly in the hands of the House."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I no doubt appreciate the importance of the point raised by my Friend Mr. Satyamurti. As the Member representing Malabar I am very anxious to hear the statement on this matter. May I ask the hon. Member therefore to make the statement. The rules require that six days' notice should be given and if you, Sir, are willing to dispense with that notice he is at perfect liberty according to the rules to make the statement."

* The hon. the PRESIDENT:—"If there is no objection to the hon. the Law Member making the statement I shall allow him to do so."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Mr. President, it is necessary for me in the first place to inform hon. Members of this House that there seem to be two judicial proceedings pending at the present moment which may raise the question of the passage of certain communities through the streets of Kalpathi. Therefore anything that I say will be said with close advertence to the doctrine of not interfering with any matter that is *sub judice*, viz., the right of certain people who belong or who belonged to particular communities to enter the streets of Kalpathi. But as with reference to certain events that led up to the order under section 144 there has been considerable misapprehension, I shall, with your leave, make a statement mainly chronological in nature. The first point that I desire to say is that the Subdivisional Magistrate acting in close consultation with the Superintendent of Police decided to issue an order under section 144 to have effect only during the car festival. I may assure the hon. Members of the House, especially in view to certain statements that have been made elsewhere and certain controversies that have been raised, that the Collector is deliberately and definitely of opinion that he has no doubt that the action of the Subdivisional Magistrate was, in the circumstances of the case, fully justified. I may also mention that subsequent to the festival persons that belonged to the Ezhuva community and were converted into Arya Samajists passed through the streets of Kalpathi on the Krithigai Deepam day. A batch of Ezhuvass passed through Kalpathi and other Agraharams and no untoward incident took place. I may say at once that the sole function of Government in these matters is to maintain peace and order and the action of the Subdivisional Magistrate was dictated mainly with reference to this point of view and with very little reference to any

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theoretical question as to whether a particular street is open to community A or community B. I may further say that Government did not dictate any course of action and indeed they could not. The order that was passed is a judicial order under section 144. We respected the discretion vested in the local officials. At the same time, I must say this that Government cannot abdicate and will not abdicate its function of maintenance of the peace and such information or instructions as will help the local authorities to make up their minds will be forwarded by the Government, if they are satisfied that such a course is called for. It is not the duty, nor perhaps even the right, of the Government, Mr. President, to translate into action any ideas that particular members may have as to social reform—they have very strong ideas on the matter—or conduct propaganda in order to secure social justice.

“Let me now come to the details of the event. On the 13th November 1924, certain Ezhavas claimed the right to be present on the occasion of the car festival. A disturbance ensued and the Subdivisional Magistrate was compelled to pass an order under section 144 prohibiting their entry into the Agraharams during the festival. On the 9th January 1925 Government issued an order which has been debated more than once on the floor of the House. They stated in that order, and they adhere to the policy underlying that order, they have not departed from it and they do not propose to depart from it, that Government desired to reiterate that the public has a right of access and use in respect of all public highways. But it is not for them finally to decide whether a particular street or road falls within the classification of public highway as this may involve many questions of fact. On the 4th November 1925 there was an objection raised by Brahmans, with reference to the entry of Arya Samajists, but whether misguidedly or not—I have my own opinion on the matter but I realize this is not the place to express it—they had no objection to Christian or Muhammadan converts because theirs were recognized religions distinct from Hinduism. On the other hand, they knew nothing of the Arya Samaj except that its emissaries had been carrying on active propaganda in Palghat and in the neighbourhood for the conversion of the polluting castes and they alleged that this was done mainly with a view to circumventing the objection to the use of the Agraharam roads. As the Collector pointed out, the main preoccupation of the Magistrate was not to discuss these matters but to preserve law and order. On the 31st October some Arya Samajists including some Ezhava converts attempted to enter the new Kalpathi village. Just when they reached the front of the Viswanathaswami temple, they were resisted by the Brahman residents and a riot took place. I may here quote from two complaints that have been instituted:—‘There was a complaint by Arya Samajists that the Brahmans began to beat and pelt stones at them. They were in all about one hundred to two hundred. We received several blows. P. C. Gopalan was wounded. We were driven as far as Kesava Pillai’s shop.’

“The statement in a complaint by Sundareswara Srouthigal dated 31st October 1925 was this: ‘At 4 or 4-30 p.m. 13 persons went from west to east in a body. A bearded man asked us why they should not enter. We affirmed they should not enter. A melee ensued. They took their umbrellas and began to beat us. We also did likewise. The bearded man struck me with a knife on the nose and on the right eyebrow.

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I got two small injuries. Boys began to throw stones at them. They also began to throw stones at us. Viswanatha Ayyar was then wounded. I did not see him being stabbed nor do I know who stabbed him.'

" This was on the 31st October and on the 6th of November there was a conference at which there was reached a tentative conclusion that having regard to such unpleasant incidents, and solely having regard to such incidents and not to any general policy of entry into a particular road or thoroughfare, the Ezhuvas would not attempt to enter the agraharam during the car festival. Thereafter I may say the question was considered whether on the whole it was well to preserve the *status quo* during the car festival in order to avert such untoward incidents without an attempt to decide or purport to decide the general question, namely, rights of entry into particular streets. The Samajist leaders even on the 8th were advised to use their influence to dissuade their followers from attempting an entry during the car festival because feelings were running high and a breach of peace might be apprehended. On the 10th the Samajist leaders told the Subdivisional Magistrate that they would instruct their followers not to attempt an entry. The next day, that is on the 11th, Pandit Rishi Ram, the local Arya Samajist Missionary, went to the Subdivisional Magistrate and practically asked for an order under section 144. And it is suggested that his object was mainly to obtain material on which to base a public protest against the attitude or the fancied attitude of the Government. Subsequently information reached the Subdivisional Magistrate that the Samajist leaders intended to go back on the assurance previously given and to enter the streets. I may say that the Muhammadans were showing an inclination to range themselves on the side of Brahmans. There is reason to believe that certain Muhammadan rowdies were prepared, if necessary, to back up the Brahman residents with force. A local Muhammadan society has, in fact, issued a printed notice warning Ezhuvas against joining the Arya Samaj. As to this, I need say no more than quote a leading article from the *Justice*, dated 17th November 1925 : ' Add to this the well-known fact that it is on the Moplahs—that is however incorrect for they were Rowthers—that the Kalpathi Brahmans had relied for man power to resist the entry of the Arya Samajists and the untouchables into their village and therefore you have a situation fraught with possibilities of immense mischief looming up in the horizon '. I assure hon. Members of this House that it was this possibility of immense mischief looming up in the horizon, the possibility of a fracas, of a melee, that induced the Subdivisional Magistrate to take the step that he has taken. It is not the object nor the policy of the Government to dictate to the Magistrates what they ought to do. The only object of the Magistrate in proceeding under section 144 will be to see that peace is maintained and if it so happens that the preservation of the *status quo* is the best means of preserving the peace until an adjudication is obtained as to the rights of the parties concerned that *status quo* must be kept up. A perfectly justifiable and bona fide attempt on the part of the local magistracy to take another course proved in the case of Uttargi to have some disastrous consequences. On the whole, therefore, I submit that the action that was taken was taken only with due advertence to the particular facts of the case, and was partially the result of the efforts, misguided or otherwise it is not for me to say at this moment, of the Brahmans to get the help of other people to resist the

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entry and partially to the resiling of the Arya Samajists from their agreement. It may be that this House will express itself in unequivocal terms as to the attitude to be adopted by certain communities in view of the general tendencies of the times, but the function of the magistracy and of the Government will be confined to seeing that a breach of peace does not occur and to take such measures as will avert it. That is the sole policy that has guided the Government and they do not propose to depart from it. With regard to the enunciation of the doctrine that every subject of the King has a right to pass through the King's highway, it must be borne in mind that there may be special rights peculiar to a particular community in particular roads or paths which they will have to establish in regular proceedings instituted for that purpose."

* Mr. S. SATYAMURTI :—" Arising from the statement of the hon. the Law Member for which, I am sure, the House is very much obliged to him, may I ask with reference to the statement that he made in the earlier part of his speech that the Government do intend to send down instructions or information to the local magistracy with regard to the matters which are before them with a view to help them to arrive at a correct conclusion, whether in this case any instructions were sent down by the Madras Government to the local magistracy in Malabar, and if so, when they were sent and why they were sent in this case ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" As hon. Members are aware, although the local magistracy is fairly well posted with facts, there are facts transcending the problems of the locality, there are possible developments arising out of things that take place elsewhere than in the particular district and as to all this information as a whole is available to the Government which is not available to the local authorities. I may at once say that I do not mind giving the gist of the instructions that we felt called upon to issue—

' If it be considered locally that persons converted by the Arya Samajists are not regarded in the locality as entitled to entry into certain areas to which they were not entitled to admission before their conversion, the District Magistrate should, if necessary, to preserve order, maintain the *status quo* ; but if the parties are likely to arrive at a compromise, the Government have absolutely no desire to suggest that the District Magistrate should take any steps which would jeopardise any compromise or arrangements unless such a step is essential for the preservation of public peace. '

* Mr. S. SATYAMURTI :—" I am much obliged for the answer, Sir."

* Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend, the Law Member, has read out the portion of the instructions that the Government have issued. May I ask him definitely to state whether the Government issued—I would not call them instructions—orders to the district authorities to pass an order under section 144 ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Certainly no Government have any right to dictate. It is a judicial order under section 144 and no Government can order a District Magistrate or the Subdivisional Magistrate to pass an order. They can only advise."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Will the Government be pleased to lay on the table the text of the instructions or the orders, whatever they may be called, which they had issued to the district authorities ? "

* The hon. the PRESIDENT :—" That question is not necessary to elucidate anything in the statement made by the hon. the Law Member."

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* Diwan Bahadur M. KRISHNAN NAYAR :—“ Very well, Sir. I will ask a further question. Is it a fact that the then District Magistrate, Mr. Thorne, and the Subdivisional Magistrate, Mr. Kunhiraman Nayar, after conversation with the Brahmans and the Arya Samajists, came to an understanding that the Ezhuva converts might be allowed to pass through the Brahman street without any demonstration and in small numbers ? ”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ The communications from the District Magistrate were confidential and I do not propose to deal with them.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ Is it a fact that for the three or four months preceding the particular event, the car festival, the Ezhuva members who have been converted to the Arya Samaj were without any obstruction from the Brahman villagers passing peacefully along the streets of Kalpathi ? ”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I am perfectly prepared to take the statement of the hon. Member on it.”

Rao Bahadur M. C. RAJA :—“ Sir, am I to understand that even in future, as my hon. Friend, Mr. Krishnan Nayar, has said, when there are going to be a number of festivals in Malabar, the Government are going to instruct the local magistrates to issue such orders prohibiting the Ezhuvas and others entering a public road if they got information from the caste Hindus that there would be a riot ? ”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ If there is a riot, the question will arise for decision to be determined by the local magistracy which party they have to restrain or whether they have to restrain any party at all.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ The hon. the Law Member stated that Pandit Rishi Ram, the Arya Samajist leader, asked the Subdivisional Magistrate specifically for an order under section 114. I ask my hon. Friend to say whether it was not after a letter written by the subdivisional officer to the pandit stating that the burden of proving the right of entry lay on the Ezhuvas and that their right should be established in a court of law.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I have no specific information except what the hon. Member has just given.”

Rao Bahadur M. C. RAJA :—“ Sir, may I ask whether the Government have not thought it fit to bind over the Muhammadans who they thought would create the riot ? From the statement, Sir, of the hon. the Law Member I understand that the caste Hindus of Kalpathi were colluding with certain Muhammadans to create a riot in case the Ezhuvas were allowed to pass through.”

The hon. the PRESIDENT :—“ Order, order.”

Mr. A. RAMASWAMI MUDALIYAR :—“ With reference to the statement of the hon. the Law Member that the *ipsissima verba* of the instructions sent by the Government to the local magistrate was to the effect that in case the Arya Samajist converts among the Ezhuvas were not considered different from the other Ezhuvas for purposes of entry into the streets steps should

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be taken, may I ask how comes it that the Government *suo motu* put forward the suggestion to the magistrate that the two sets of Ezhuvas were differentiated by the Brahman residents of Kalpathi?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—" My hon. Friend is mistaken in thinking that the suggestion came from the Government. As a matter of fact, the first idea of that kind emanated from the magistracy."

* Diwan Bahadur M. KRISHNAN NAYAR :—" May I know the date of the communication ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" It was about the 4th of November, a week before the car festival."

* Mr. R. VEERIAN :—" May I know why the prohibitory order was not served upon the Brahmans ? "

* The hon. the PRESIDENT :—" Order, order. That question is not necessary to elucidate the statement made by the hon. the Law Member."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the Divisional Magistrate refused the application made by the Brahman representatives for the issue of an order before instructions were sent by the Government ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not know "

Rao Bahadur C. NADESA MUDALIYAR :—" Is it not the duty of the Government to make the Ezhuvas establish their right and then preserve the peace instead of prohibiting them first ? "

* The hon. the PRESIDENT :—" Order, order. That is a question relating to policy and has nothing to do to elucidate the statement. I think we have had enough by way of elucidation and we shall now proceed to the next item of business."

IV

(1)

CONDOLENCE RESOLUTION REGARDING THE DEATH OF QUEEN ALEXANDRA.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I beg to move the following resolution : --

' The Madras Legislative Council, in presenting its humble duty to the King-Emperor, desires to express its deep sorrow at the death of Her Majesty Queen Alexandra and its sincere sympathy with His Imperial Majesty and the Royal Family in the great loss sustained by them.'

" Mr. President, Sir, so many occasions have arisen on which the unanimous feeling of the people of this country in regard to this great loss has been expressed and conveyed to His Imperial Majesty that it is needless on an occasion of this kind that I should say much. But we shall be failing in our duty if we do not record a resolution to this effect. Sir, it would take too long, nor would it be necessary to persons who are familiar with the details of the gracious and beautiful career of the late Queen Alexandra to set out particulars at length. Suffice it to say that from the moment in 1863 when she came into the great position of Princess of Wales, she was the centre of beneficent social work and hers was a continuous and strenuous endeavour to effect social amelioration. She was also a great democratising

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influence in the life of England. And it can be said, without cavil or fear of contradiction, that if the English monarchy stands on such secure foundations to-day throughout the world and if it is rightly regarded as a true link between England and the Dominions, it is on account of the life and career of such beautiful personalities as the late Queen Alexandra."

* The hon. the RAJA OF PANAGAL :—" Mr. President, I associate myself with the sentiments of the hon. the Vice-President of the Executive Council. The late Queen Mother has been the pride of all the women of the Empire. She has been associated with the Empire for not less than sixty years as the Princess of Wales, Queen, and as the Queen Mother. During her brilliant career as a member of the Royal family she has endeared herself to all classes of people by her acts of benevolence and charity. The loss caused by the demise of this ideal of ladies has been very serious to the Empire. No part of this vast Empire is without its tribute to the late Queen. And the loss must be particularly great to His Majesty the King-Emperor, to whom the loss is nothing less than the loss of a mother. May her soul rest in peace, and may His Majesty the King-Emperor have the solace that his sorrow on this occasion is shared by all classes of people throughout the Empire."

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p.m.

The motion was put and carried *nem con*, the whole House standing.

IV

(ii)

CONDOLENCE RESOLUTION REGARDING THE DEATH OF DIWAN BAHADUR
W. VIJAYARAGHAVA MUDALIYAR.

* The hon. Sir C. P. RAMASWAMI AIYAR :—" Sir, I next move

'that an expression of sincere regret of the Council at the death of M.R.Ry. Diwan Bahadur W. Vijayaraghava Mudaliyar Avargal and of sympathy with his bereaved family be placed on record and conveyed to them.'

"I may say at once, Mr. President, that in speaking of Mr. Vijayaraghava Mudaliyar I am speaking of a very old friend. Let me at the risk of repeating what are personal memories recall the occasion on which I had the honour of first coming into contact with him. It was in the year 1906 when I had the good fortune of being entrusted by Mr. Vijayaraghava Mudaliyar with a particular case. The facts of the case showed me that he was a man who chivalrously took up the cause of a persecuted member, a junior member, of a very wealthy family, and maintained him for several years without any hope of reward only with a view to champion his cause. And I may say that that beautiful trait of standing out as the champion of persons of whose bona fides and goodness he was convinced remained one of the distinguishing marks of Mr. Vijayaraghava Mudaliyar until the very end. He was born in 1869, and he was Chairman of the Walajapet Municipal Council for seven years. He was also the President of the District Board of North Arcot, sat in the pre-reform Legislative Council as an elected member for the North Arcot *cum* Chingleput and South Arcot group, and was a Member of the last Legislative Council; and at the time of his death he was Municipal Chairman of Walajapet and President of the North Arcot District Board. And we are acquainted with his work in this Council. But it is not only as one who fulfilled capably the important duties of the various offices which I have stated, not only as a Member of this House

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that we have to regret his death. We have to regret his death as involving the loss of a quiet and unostentatious public worker who despite his modest demeanour, had a strong will and liberal nature and exercised all his faculties for the good of those around him. I now move this resolution."

The hon the RAJA OF PANAGAL:—"Mr President, I feel it my sorrowful duty to associate myself with what has fallen from the hon. the Law Member. I have known the late Mr. Mudaliyar for more than the last twenty years. He had been with me a member of the district board of the old North Arcot district and he had also been the vice-chairman and vice-president of the municipality and taluk board of Walajapet. He had been devoted to public work during all these years and everything he did he did well and with a true heart. He had been an ardent advocate of the claims of the poor and afflicted and as a public worker he has been unostentatious as the hon. the Law Member has pointed out. He had been a Member of this Council for more than six years. He was a Member under the old constitution, and he was a Member after the introduction of the Reforms and we all know how distinguished his services have been here in this Chamber. The loss of the man to the country is really great and in regard to his family it must be particularly great. I hope and trust that the House will pass this vote of condolence and communicate it to the bereaved family."

* Mr T. ADINARAYANA CHEITIYAR:—"Sir, I do not think many words are required from me to convince the House of the loss, the great loss which the House has sustained in the death of our late colleague, Mr. Vijayaraghava Mudaliyar. None of us who left this Council Chamber on the last day of the previous sitting ever dreamt that we would be deprived so soon of the company of that genial friend and colleague whom we so much miss to-day. Coming as I do from North Arcot, I can claim that I feel the loss of such a valuable friend even more than many others in this House. Sir, the name of Mr. Vijayaraghava Mudaliyar, as everybody knows, has almost become a household word in his native district of North Arcot. And even people who have been only casually acquainted with him have no doubt come to realize the good nature of that gentleman whom we so much miss to-day. Personally I also wish to mention one incident which could not but come to my notice. During the last elections in the North Arcot district where myself and my late friend stood as rival candidates, I can say that during the period of canvassing, although I did not know him at the time, he always asked for one vote for himself and one for me. I simply wish to add, coming as I do from another school of politics and not having known him personally then, that he was so good and generous as not to say a word against the rival candidate and even spoke well of him. Sir, I think that is a real test and my subsequent acquaintance with him improved the good opinion I had then formed of the gentleman. With these words, I join in the tribute of regard and affection that has been paid to our late colleague Mr. Vijayaraghava Mudaliyar."

Rao Bahadur C. V. S. NARASIMHA RAJU:—"Mr. President, Sir, I associate myself with what has been said in supporting this resolution. I came in contact with the late Mr. Vijayaraghava Mudaliyar in the year 1919 as a Member of the old pre-Reform Council, and he was taking very keen interest in the legislation connected with the Local Boards Act and the

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District Municipalities Act Amendment Bills and the useful advice he rendered on many occasions during the committee stages with regard to those two Bills is well known to the old members. How he has given his whole-hearted support for the liberalization and democratization of the then existing local bodies is also well-known to us. He was a well-known member that took a keen interest in Local Self-Government and his advice was always taken as affording very sound guidance in all committee stages. His good nature and his amiable qualities as a perfect and unostentatious gentleman are all wellknown, and we all deeply regret the loss which this House has sustained in his death."

The motion was put and carried *nem con.*, the whole House standing.

V

COMMUNICATIONS TO THE COUNCIL.

(a)

The Secretary laid on the table copies of the following Government Orders:—

(1) ^a G.O. No. 1499, Development, dated 19th October 1925, recording the audit report of the Government Fruit-Preserving Institute, Coonoor, for the quarter and year ending 31st March 1925.

(2) ^b G.O. No. 1813, Revenue, dated 21st November 1925, negating the proposal that village munsifs may send revenue collections by postal money order at the cost of the Government.

(3) ^c G.O. No. 1851, Law (Education), dated 27th October 1925, approving of the circular proposed to be issued by the Director of Public Instruction on the subject of the adoption of vernaculars as the media of instruction in forms IV to VI in secondary schools.

(b)

The Secretary laid on the table copy of notification No. ^d 1283, published on page 556 of Part I-A of the *Fort St. George Gazette*, dated 17th November 1925, withdrawing temporarily from the Virudhunagar Municipal Council the privilege of electing its Chairman, under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920.

(c)

The Secretary laid on the table copies of the following Government Orders relating to authorization of expenditure by His Excellency the Governor under section 72-D (2) (b) of the Government of India Act:—

(1) ^e G.O. No. 3360, Law (General), dated 6th November 1925.

(2) ^f G.O. Mis. No. 1758, Revenue, dated 11th November 1925.

^a Placed on the Editors' Table.

^b Printed as Appendix VI at page 129 *infra*.

^c Printed as Appendix VII at pages 129-139 *infra*.

^d Printed as Appendix VIII at page 139, *infra*.

^e Printed as Appendix IX at page 140 *infra*.

^f Printed as Appendix X at page 140 *infra*.

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VI

AMENDMENTS TO STANDING ORDERS.

(i) *Assent of His Excellency the Governor to amendment to Standing Order No. 40 (2).*

The hon. the President announced that the amendment to Standing Order 40 (2) passed at the meeting of the Council held on 28th October 1925, received the assent of His Excellency the Governor on the 2nd December 1925.

(ii) *Amendment to Standing Order No. 3.*

* The hon. the PRESIDENT :—" I take it that the hon. Member Mr. Saldanha proposes to move the amendments standing in his name. Before he does so, may I ask him to move one amendment after another ? "

* Mr. J. A. SALDANHA :—" Sir, Standing Order No. 3 deals with the election of the Deputy President, and I propose to add the following clause to it :—

' (5) No motion for the removal of the President or the Deputy President of the Council under section 72-C (5) of the Government of India Act may be brought unless a previous clear ten days' notice is given by the mover to the Secretary of the Council before the sitting of the Council at which the motion is to be brought.'

" Sir, this lays down the procedure as regards notice, etc., for the exercise of the power of the House about the removal of the President or Deputy President. This motion deals with the interest, liberty and the dignity of the House. I do not know if I am allowed to make any speech at this stage."

* The hon. the PRESIDENT :—" Not necessary."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Sir, may I say a word at this juncture? We are all, I am sure, deeply indebted to the hon. Member from South Kanara for tabling this long list of amendments, but it seems to me that perhaps the best plan for him would be to move, on a future and appropriate occasion, for the appointment of a committee to examine all the Standing Orders. It seems to me that 17 Standing Orders are sought to be amended, and we do not know how these amendments will affect the other Standing Orders. Apparently what the hon. Member wants is a kind of general and comprehensive codification."

* Mr. J. A. SALDANHA :—" May I explain, Sir, that these amendments I have brought forward come under three main headings, i.e., to ensure (1) the liberty, (2) the dignity and (3) the efficiency of the House."

* The hon. the PRESIDENT :—" Order, order. The hon. the Law Member has put forward a suggestion, and it is for Mr. Saldanha to either accept or refuse to accept that suggestion."

* Mr. J. A. SALDANHA :—" Sir, I have been saying that all these amendments come under a general principle, and therefore I propose that they should be taken together. They are inter-connected and inter-related and they come under three main headings. It is not meant to be a general amendment of all Standing Orders, but of those Standing Orders which affect the economy of time and efficiency, the dignity and liberty of the House. So, they have to be considered together."

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* The hon. the PRESIDENT :—" I take it therefore that the hon. Member insists on moving these amendments."

* Mr. J. A. SALDANHA :—" Yes, Sir, one by one."

* The hon. the PRESIDENT :—" I have now to ask the Council whether the hon. Member has the leave of the House to move the amendment he has read out."

Mr. A. RAMASWAMI MUDALIYAR :—" I object."

* The hon. the PRESIDENT :—" As objection is taken, I have to request the Members who support the motion to rise in their places."

* The hon. the PRESIDENT :—" As more than twenty Members have not risen in their places the motion for the amendment cannot be proceeded with."

* Mr. J. A. SALDANHA :—" Some of the Members have gone out, I think." (Laughter.)

Mr. C. RAMALINGA REDDI :—" Cannot a division bell be rung, Sir ?"

* The hon. the PRESIDENT :—" No division bell can be rung when no division is taken."

Standing Order No. 19.

* Mr. J. A. SALDANHA :—" I request leave of the House to make the following motion :—

' II. To the Standing Order No. 19, add the following as 19-A. —

" 19-A. Every question admitted by the President shall be given an answer furnishing the information sought in full without evasion, unless the refusal to give such answer is justified on the ground of public interest or want of sufficient time. In the latter case, time may be taken for answering the question at the following sitting of the Council; in the absence of any justification for the refusal to answer a question as required, it may be presumed that the answer, if given, would be unfavourable to the party questioned."

* The hon. the PRESIDENT :—" Has the hon. Member the leave of the House ?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I object."

The hon. the PRESIDENT :—" Those hon. Members who are for giving the leave will please rise in their places.

(After a pause).

" As more than twenty hon. Members have not risen in their places the motion cannot be taken up."

* Mr. S. SATYAMURTI :—" May I suggest to my hon. Friend, Mr. Saldanha, to accept the hon. the Law Member's suggestion? The amendments have certainly got to be examined and I submit to you also, Sir, that it would be very reasonable if all these Standing Orders are examined by a committee so that we may deal with them not piece-meal, but completely. If the hon. the Law Member would propose that, I think my hon. Friend, Mr. Saldanha, would also agree."

* Mr. J. A. SALDANHA :—" I shall gladly accept the suggestion because it has been made a sort of party question. As a matter of prudence as well as for the sake of the dignity of the House, I agree to take up the suggestion."

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* The hon. Sir C. P. RAMASWAMI AYYAR:—"I may at once say this. You, Sir, are mainly or largely responsible for the working of the Standing Orders. I have no objection when the House meets again, after consulting you and the leaders of the various parties, to take such steps as would ensure a thorough and complete examination and if necessary a revision of the Standing Orders as also to consider the necessity of a committee."

* The hon. the PRESIDENT:—"I take it that Mr. Saldanha refuses to go on with his amendments."

VII

NON-OFFICIAL BUSINESS.

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, AND THE MADRAS LOCAL BOARDS ACT, 1920.

* Mr. J. A. SALDANHA:—"I beg to introduce a Bill" to amend the Madras District Municipalities Act and the Madras Local Boards Act and move that it be read in Council. I shall read the Bill.

"WHEREAS it is expedient to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, for the purpose of clearly defining what is meant by a 'public street' or 'public road', It is hereby enacted as follows:—

"1. This Act may be called the Madras District Municipalities Act and Local Boards Act (Amendment) Act, 1925.

"2. *Insert* the following sub-clauses below sub-clause (c) of clause (21) of section 3 of the Madras District Municipalities Act, after omitting the word 'and' from sub-clause (b):—

'(d) any street heretofore levelled, paved, metalled, flagged, channelled, drained, conserved, or lighted out of any municipal or other public funds; and

'(e) any street, which under section 179 or any of the other provisions of this Act is declared by the municipality to be a public street.'

"3. *Insert* the following sub-clause below sub-clause (c) of clause (18) of section 3 of the Madras Local Boards Act, after adding the word 'and' to that sub-clause and omitting the same word from sub-clause (b):—

'(d) any road heretofore levelled, paved, metalled, flagged, channelled, drained, conserved, or lighted out of any board's funds or other public funds.'

"Leave has been obtained and the Bill has been published in the *Fort St. George Gazette*. Members are supposed to have copies of this Bill. To some extent I must apologise to the House, Sir, for my inadequate speech; for I did not expect this Bill would come up this morning. I shall, however, place the points as clearly as possible before you. Events at Palghat recently explain the reason for a Bill of this sort. Palghat is not the only place where certain classes of people are not allowed to walk and are actually prohibited from walking over certain streets.

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"The right of particular castes or classes to use public roads was once openly challenged in some places in this Presidency, but the courts have placed the question beyond doubt (see 5 Mad., 304; 6 Mad., 203; 26 Mad., 376; 12 Bom. L.R., 586). The Privy Council in 1907 confirming the Madras High Court decision in 26 Mad., 376 held that where the village is an ordinary ryotwari village, the streets are public streets, over which all members of the public have equal rights and that they have therefore the right to use them in a lawful manner (30 Mad., 185; 1X Bom. L.R., 663). But doubts have been raised as to whether certain roads claimed to be private inasmuch as they are set apart by custom for the exclusive use of particular classes or local residents are really public, although repaired and conserved out of public funds by a municipality or local board. Such a privileged position cannot, it is submitted, stand the test of a sound and just conception of civic rights. In order to establish therefore beyond doubt the right of all citizens to the use of such roads for the maintenance of which the public moneys are used, it is desirable that such roads be declared to be public, as has been done in the Bombay District Municipalities Act (III of 1901), section 3 (13), and Bombay City Municipal Act (III of 1885), section 3 (X). Under the Madras District Municipalities Act, section 179, a private neglected street levelled, paved, etc., by a municipality shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street, even after the owners or occupiers of the buildings abutting on such road have been compelled to pay the cost incurred by the municipality for its work. But where no such payment is made to meet the municipal work, it must follow in the interests of public economy and as a matter of civic right that municipalities as also local boards should be entitled to treat the road as public, with the result that according to the rulings of courts and the Privy Council, all citizens without distinction of creed and caste will have a right to use the road without obstruction by any privileged class, and if obstructed, such obstruction will be liable to punishment as an offence under section 341, Indian Penal Code (wrongfully restraining any person). It is interesting also to note that in the Madras General Clauses Act, 1891, the term 'public' includes any class of the public or any community [section 3 (26)]. This definition leaves no room for doubt as to whether untouchables or any other class can be obstructed from the use of any public road (for the matter of that from access to any public market, tank or any other public place) with impunity. If there be any possible doubt on the point, the term 'public' may be more comprehensively defined in the Madras General Clauses Act, so as to make it clear that the term 'public' when used in conjunction with any place would mean that the place would be open and accessible to all classes of people.

"Sir, as you will notice, I have not provided in my Bill any penal clauses, 12-45
as the penalties contained in the provisions of the Indian Penal Code for p.m.
such offences, which extend to one month's imprisonment and also a fine of Rs. 500 or both, are quite ample enough. I must admit that to some extent my definition is not quite comprehensive. I should be glad if in the Committee stage a more comprehensive definition could be introduced. I may refer here to one defect. From enquiries I have made after drafting this Bill, I noticed myself that certain roads which lead to public institutions like the post office and which pass through private streets or Brahman

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agraharams are considered as private roads and people belonging to certain classes are obstructed from passing through them on the ground of caste. Now, if the people of those localities or agrapharams allow a post office to be established at the end of a private street and at the same time obstruct certain classes of people from going to that institution, I think it is very objectionable. They should either not allow the post office to be situated in such places, or else permit all classes of people to go to the post office."

* The hon. the PRESIDENT :—" Will the hon. Member confine himself to the subject-matter of his amending Bill, instead of venturing into the policy of the postal and other departments in choosing the places for their institutions? "

* Mr. J. A. SALDANHA :—" I do not think that I should dwell any further on a matter of such importance to the public. The right of every citizen, never mind to what caste or class he belongs, of using the public roads is recognized, and as this House stands for the liberty of every citizen, I hope that in this matter of the using of public roads by all classes of people they will agree to the principle of this Bill."

* Mr. R. VEERIAN :—" I second this Bill, which has been so ably moved by my hon. Friend Mr. Saldanha, and I should like to go a step further and point out that whenever a public office is located in an agrapharam or other private centre it should be made public. Instances are not at all wanting where members of the depressed classes have been prevented from having access to post offices situated in agrapharams. Well, Sir, we cannot fly: we have no wings, and so such places should be declared public. That would be my definition, and that is why I said at the outset that I would go a step further than that taken by the Mover. Well, Sir, the post office should not be located in agrapharam centres and if they do so, the pathways leading to such public offices should be thrown open to all classes of people without any sentimental objections being raised by the residents of the locality viz., Brahmans and other high caste people. . . . "

* The hon. the PRESIDENT :—" We are not discussing the policy of the Postal Department in locating post offices at undesirable places. We are discussing a definite amendment to the District Municipalities and Local Boards Acts."

* Mr. R. VEERIAN :—" I have said what I wanted to say, Sir. (Laughter.) I need not add anything more."

* The hon. the RAJA OF PANAGAL :—" Mr. President, Sir, the hon. the Mover has in his Statement of Objects and Reasons pointed out that the question of any doubt in the matter of all classes of people passing through public streets has been cleared up by the decisions of the courts, and he also quoted a decision of the Judicial Committee of the Privy Council. That being the case, I do not quite see why he is proposing to introduce this Bill; nor am I sure that any legislation made by the State is going to effect the social reform wished for. I do not think that this Council is the proper place to introduce social reform. All the same, I am in entire agreement with the hon. the Mover when he says that it is unfair that any class of people should be prevented from using any public road (Mr. R. Veerian : 'Hear, hear'.) Thus being in sympathy with the object of the hon. the Mover, I have no objection to the introduction of this Bill. But may I say;

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Sir, that it would be better if the hon. the Mover and the hon. Member from Coimbatore should combine their Bills and bring in a consolidated Bill. They have given notice of two Bills. I should suggest that the two hon. Members should have a consolidated Bill, embodying the amendments contained in the two Bills, introduced into this House. So, Sir, may I request with your permission that when the Bills reach the Select Committee stage both the committees sit together and have the Bills so amended as to form one consolidated Bill ? ”

* Mr. J. A. SALDANHA :—“ I am not opposed to the very reasonable suggestion made by the hon. the Minister.”

* The hon. the PRESIDENT :—“ What is the hon. Member’s position now ? ”

* Mr. J. A. SALDANHA :—“ The hon. the Minister suggested that the Bill I have brought and the other of Mr. Veerian might be considered in the Select Committee together and . . . ”

* The hon. the RAJA OF PANAGAL :—“ Might be referred to the same Select Committee constituted for Mr. Veerian’s Bill and be considered together with that Bill.”

The motion that the Bill be read in Council was then put and carried.

The Secretary then read the title of the Bill.

* Mr. J. A. SALDANHA :—“ May I take some time, Sir, to make out a list of members to be proposed for the Select Committee ? ”

* The hon. the PRESIDENT :—“ When an hon. Member is in charge of a Bill, he is expected to be ready with the names of the members of the Select Committee.”

* Mr. J. A. SALDANHA :—“ I beg, Sir, to move that the Bill be referred to a Select Committee, the members of which will be as follows : Myself, the Mover (laughter), Mr. R. Veerian, Mr. R. Srinivasan . . . ”

* The hon. the PRESIDENT :—“ I presume the hon. Member has obtained the consent of the hon. Members he is now proposing, because the position will be difficult if an hon. Member declines to sit on the Committee after the motion has been carried by the House.”

* Mr. J. A. SALDANHA :—“ I have consulted the hon. Members. So far I am sure I am on the safe side (laughter). Then, Sir, the other members will be the hon. the Raja of Panagal . . . ”

* The hon. the RAJA OF PANAGAL :—“ May I suggest that the motion may be adjourned till to-morrow when my hon. Friend will be ready with the list of names ? ”

* The hon. the PRESIDENT :—“ I thought the hon. Member has the names of the members of the Select Committee at his fingers’ ends.”

* Mr. J. A. SALDANHA :—“ Sir, I have not come prepared with that. What has happened is that this Bill has come up for consideration by surprise.”

* The hon. the PRESIDENT :—“ Surely the list of business was circulated to the hon. Member already. Will he therefore formally move that this motion be adjourned for to-morrow ? ”

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* Mr. J. A. SALDANHA :—"Sir, I formally move that this motion for referring the Bill to a Select Committee be adjourned till to-morrow."

* Mr. SAMI VENKATACHALAM CHETTIYAR :—"I second it."

The motion was put and carried.

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

* Rao Bahadur A. S. KRISHNA RAO PANFULU :—"Sir, I beg to introduce the Bill* to amend the Local Boards Act, 1920, in regard to which this Council granted me leave to introduce, and move that it be read in Council. This Bill deals with some of the financial provisions in the Madras Local Boards Act and suggests a modification of sections 112, 116 and 117 of that Act. Section 112 of the Act is one of the most important sections specifying the purposes for which the funds of a local board might be utilized. That section lays down that 'the purposes to which the moneys received under this Act may be applied are, in general, everything necessary for, or conducive to, the safety, health, convenience or education of the inhabitants, or the amenities of the local area concerned and everything incidental to the administration, and include in particular' various items set forth in nine sub-clauses regarding communications, planting of trees, medical relief, public health, health and welfare institutions, diffusion of education, payment of salaries, leave allowances, payment of loans, payment of moneys falling due under any decree of a court and other measures of public utility. Sub-section (2) of section 112 is the portion which I wish to have amended. That section says :—

'The funds of a local board shall be applicable to the purposes mentioned in sub-section (1) within the area of the local board, subject to the rules in Schedule V and any further rules which may be prescribed . . .'

"What I seek to have removed from this sub-section are the words 'and any further rules which may be prescribed'. When once the general provisions relating to finance embodied in section 112 are to come into operation subject to the rules in Schedule V, I contend that it is absolutely unnecessary, and it is quite reactionary, to have this provision regarding further rules still in the statute book. Schedule V of the Local Boards Act by itself contains various restrictions as to the manner in which the funds of local bodies are to be applied.

1 p.m. "In rule 1 of the Financial Rules, the purposes to which these funds might be applied have been allocated. Then again regarding the classification of roads restrictions have been imposed and sufficient safeguards have been provided. In rule 4 the local board has been asked to obtain the sanction of the Local Government in particular cases. It states—

'A local board may, with the sanction of the Local Government,

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the local area within its jurisdiction;

(2) contribute to any charitable fund or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of deceased or infirm persons or the investigation of causes of disease; and

(3) incur any other extraordinary charges.'

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"And again, there is another provision in rule 6 regarding the way in which these receipts of the local boards should be credited. Rule 8 has reference to the manner in which these funds should be lodged and invested. Rule 9 refers to the manner in which orders or cheques against a local fund shall be signed and drawn.

"I would not have considered it necessary to move for this amendment but for the fact that these restrictive provisions in this Act were brought into existence before the introduction of Reforms and that these provisions are calculated to work against the spirit of the Reforms and this Council will be justified in deleting them from the Statute. One of the essential features of the Reforms which were advocated was that as the first formula we must have as far as possible a complete popular control in local bodies and the largest possible independence with regard to them. That is the first formula in the Montford scheme. In trying to elucidate the principles which must govern us in solving the problem of local self-government, they give certain illustrations and indicate the lines on which the local boards ought to have power. I will read the portion which, I believe, will be pertinent to the matter before us. They state:

'If, for example, a board provides for civil works or medical relief, it ought, subject to such general principles as the Government may prescribe, to have real control over the funds it provides and not be subject to the constant dictation, in matters of detail, of Government departments. Similarly as regards the budget for local bodies. It is hoped that Provincial Governments will make every effort to give boards a free hand with their budgets, subject to the maintenance of a minimum standing balance, with the necessary reservations in the case of indebtedness or against gross default.'

"The next sentence is very important and I like to draw particular attention of the hon. the Minister to that portion which reads:

'The Government of India would discard the system of requiring local bodies to devote fixed portions of their revenues to particular objects of expenditure and would rely on retaining powers of intervention from outside in cases of grave neglect or disregard.'

"Now, I shall attempt to satisfy this House that there is in the first place sufficient restriction placed as contemplated in this portion of the Montford Report and that there is no necessity for any further provision. The Government have taken very wide powers calculated to check any abuse of the powers of the local bodies. There are sections 38 and 40. The Government are empowered to appoint particular officers for inspecting or supervising local boards and there are sufficient powers taken to promptly check misconduct or abuse of powers by the boards. Having retained all these powers, is it fair or just that they should have this sort of an omnibus power reserved? The liberty of the local boards is already curtailed by so many rules, the Financial rules and others; and they have to work subject to all these regulations.

"Again, there is something wrong in this provision being inserted here; because, the definition of the word 'prescribed' will show that this could not have been contemplated. The definition is—

'Prescribed' means prescribed by the Local Government by rules made under this Act'

"Section 199 lays down the purposes for which the Local Government may make rules. It will be found that it contains various powers. Having thus taken power to frame rules and having provided for powers under the Financial rules, the Government now say that they want further omnibus powers to do anything they like. That is a position which this House should not allow.

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"May I remind this House that before the close of the last term the hon. the Minister himself introduced a Bill to amend the Act, that at that time he said that the present Acts were passed in 1920, before the Reforms came into force, and that experience during the two or three years had shown that they should be revised in a few directions? Those Bills were referred to the Select Committee in 1923 and we have been waiting to see if these amended Bills would see the light of day. Questions have been put and in the answers thereto we were told that the Bill was still in the stage of preparation and that it would be introduced some time before the end of the year. To a supplementary question put the reply was that the Bill would be introduced before the close of the official year. We are therefore satisfied that we cannot see the completion of it before the end of the official year. One Bill has been given up and another Bill is to be introduced. Under these circumstances I thought that as it might take some time for the purpose of rectifying all the defects in the working of this Act, we might make some move in the direction of removing such provisions as are admittedly not justified. I do not feel that there is really any difficulty in working the restrictions. May I point out that if these words are not removed from the section, even when the local board does not ask for any special grant from the Government, it will not be allowed to have its liberty subject to the provisions of the financial rules to develop education and to provide for improvement of public health in a manner suitable to local conditions. In this connexion I would draw the attention of the House to a Government Order which would show that they take advantage of the powers conferred on them by these words objected to. For example, the order was issued that a local board cannot establish a secondary school unless they obtain the sanction of the Government. It is not a case where they ask for any financial help from the Government. Even then they say that the local board should apply for the previous sanction of the Government. I venture to suggest that the Government cannot show any other rule under which they take this power to issue an order of that kind. So far as I can see, there is no other power in the rules. Because in section 112, (1) (v), it is laid down as follows.

'the diffusion of education, and, with this view, the construction and repair of school houses, the establishment and maintenance of schools, the inspection of schools, and the establishment and maintenance of libraries and reading rooms.'

"In schedule 5 it is clearly stated that the taluk boards are at liberty to maintain elementary schools and the district boards are at liberty to maintain secondary schools. We find that the Government Order refers to this particular section 112, sub-section (2), i.e., subject to any further rules which may be prescribed. I may point out that the provisions here are not even as liberal as those in the old Act. The provisions under the old Act corresponding to this provision were more liberal though under a bureaucratic Government than they are under a new dispensation under the control of the popular Ministers. Under the old Act, rule 108 of the Local Boards Manual gave no power in the matter of opening elementary schools to the district board. The old Act of 1884 was in existence long before the Reforms came into force, and Local Self-Government Department has now become a Transferred department under the control of popular Ministers. Even the old Act did not contain such a restriction. This is one illustration which I wish to give to show that the existence of these provisions is not justified. These provisions have been worked prejudicially in various other ways. For

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instance, the Taluk Board of Bhimavaram made a certain grant to a certain library and the Government at once vetoed it. The question was asked why the Government vetoed it and the reply was that previous sanction of the Government was not obtained. I would submit that if the Government take advantage of the provisions of this Act for the purpose of vetoing, it should only be under this omnibus power. It will be found that in section 112 (1), clause (v), express reference is made in these terms :

‘ diffusion of education, and, with this view, the construction and repair of school houses . . . and the establishment and maintenance of libraries and reading rooms ’

“ Coming to the provisions of schedule 3 to which reference was made in the Government Order, it is said that—

‘ A local board may, with the sanction of the Local Government,

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the local area within its jurisdiction.’

“ The provision for a library cannot come under that category so that previous sanction should be obtained. Then again

‘ (2) contribute to any charitable fund or to the funds of any institution for the relief of the poor . . . of the causes of disease.’

“ This provision could neither come under this head. The very section that has been referred to as requiring previous sanction of the Local Government does not specify that such sanction is required for a grant to a library. Is the Council prepared to accept the position that for the purpose of a provision for a library which comes expressly within the powers of the local board, it should obtain the previous sanction of the Government? I think the House is fully aware that the Government have issued executive instructions preventing the local boards from purchasing medicines except from Madras Medical Depot. No authority has been shown, and the hon. the Minister, when a question was put to him in 1922, said that he himself was not in a position to find any authority for it, but only stated that there were executive instructions to that effect. There is nothing in the Act.

“ He himself having confessed that there was no provision in the Local Boards Act for preventing the local boards from purchasing medicines in the best possible manner and compelling them to purchase from the Government Medical Depot, I ask whether there is anything to justify the general powers which have been reserved to the Government. I can multiply instances. The Government have power to issue orders from time to time for the purpose of restraining the actions of local boards. These words occur in section 112 in more or less an omnibus manner. I am quite aware that there must be some process of correction in a case where a local board goes astray. But it is open to question whether the provisions already in force are not sufficient. If for any reason Government consider that any other provision is necessary it is not by means of omnibus, indefinite and vague provisions which may be misapplied. Where is the guarantee if once they are brought in the schedule of the Act the Council will have an opportunity of discussing these provisions? If at any time it is found that for the purpose of meeting certain contingencies which have not been provided for, further powers are necessary, it is open to Government to consider whether the schedules, subject to which expenses ought to be incurred by the local boards, require further modification. But they cannot do otherwise, pledged as they are to liberalize the policy of the local self-government, pledged as they are to work the formula

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of giving the utmost control to the local boards.. If once they have brought the provisions under the schedules, there is a provision in section 201 of the Act which gives an opportunity to the Council to discuss modifications. Section 201 says, 'The Local Government may make rules altering, adding to, or cancelling any of the schedules to this Act except schedules I, VIII and IX'; therefore it is open to them to do so. Then it is stated, 'A draft of the rules proposed to be made under this section shall be laid on the table of the Legislative Council and the rules shall not be made unless the Legislative Council by resolution approves the draft either without modification or addition, or with modification or addition; but upon such approval being given the rules may be made in the form in which they have been approved, and such rules on being made shall be notified and shall thereafter be of full force and effect.' I would therefore ask the House to consider what position they are going to take so far as the present amendment to the Act is concerned. I am suggesting that the Council, according to the reformed constitution, ought not to be subject to the framing of the rules in regard to which it has no voice. You may publish criticisms, but the Government have got the final voice in the matter. I would suggest that this Council would be doing justice if it accepts my suggestion, or after the introduction of this Bill, modifies this provision of the Act as to make it more liberal.

"The other portion of the Bill to which I have drawn attention is regarding modifications of sections 116 and 117 of the Act. Section 116 (3) says :

'If the budget of a taluk board or union board fails to provide for the due discharge of all liabilities in respect of loans contracted by such local board or for the maintenance of a working balance, the district board or the taluk board, as the case may be, may direct that any part of it shall be so altered as to ensure that such provision is made.'

"Similarly, we find in section 117 :

'If such consolidated budget fails to provide for the due discharge of all liabilities in respect of loans contracted by any local board or for the maintenance of a working balance, the local Government may direct that any part of it shall be so altered as to ensure that such provision is made.'

"As to the object with which this provision was inserted, it is laid down in the Report and the Act. Even as it appears from the discussion which took place at the time of the introduction of the Bill, the Government have only power to give direction to the local board in case there was no provision for a working balance or in respect of loans. More than that was not thought of. But what do we find now? We find that under the shelter of this clause orders have been issued, instructions have been given directing the local boards to cut out this provision and that provision and going into the details. For instance orders are given to cut out from the provision made by a local board for education a substantial amount—which would amount to the closing of some schools—so as to maintain the working balance. One can possibly wonder how it can possibly be done unless the schools are closed."

* The hon. the RAJA OF PANAGAL :—"May I request the hon. Member to give instances of such orders?"

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Yes; I shall. The hon. the Minister will find it, if he immediately sends for the orders passed on the budgets of Nellore District Board. I may at once tell him that the instructions were issued in some other cases so late as December asking

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certain provisions to be cut out. If the hon. the Minister will send for the orders of Government on the budgets of the several district boards, he will find many instances."

* The hon. the RAJA OF PANAGAL :—" I ask for instances of the orders of Government which contravene the provisions of the normal budgets prepared by the committees appointed for that purpose."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I do not know what the hon. the Minister refers to."

* The hon. the RAJA OF PANAGAL :—" I refer to the normal budgets which were prepared by the committees appointed specially for the purpose. Were any of those orders issued by the Government contravening the provisions of the budgets ? "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am prepared to satisfy him. They do contravene because the normal budget of the district board was approved. We provided a certain amount for existing schools. I was asked to reduce this provision by Rs. 7,000 or Rs. 8,00 which can be done only by closing some of the schools. I may also inform the hon. the Minister that I did reply to him saying that he was asking us to do a thing which was impossible unless he wanted to close the schools. I also pointed out saying that if he wanted retrenchment I would point out to him in what direction it could be made. I did make retrenchment. I did show that it was possible to make retrenchments in other directions."

* The hon. the RAJA OF PANAGAL :—" The Government have agreed to that "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Government agreeing to it does not mean that this amendment is not necessary. If my hon. Friend the Minister tries to take me into a different track he is not justified. My object is not to criticize the orders of the Government. There are other occasions for doing that. I am only pointing to the loose wording of the section giving scope for such orders to be issued. Unless it can possibly be shown that there is anything wrong or that there is any objection to the wording, I think my amendment ought to be accepted."

* The hon. the RAJA OF PANAGAL :—" May I ask if there has been any such order in any case in which the budget was not a deficit budget and where a provision was made for the discharge of the liabilities due to loans taken from the Government ? "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I quite concede that reduction was suggested in cases where there was not a proper working balance. But I question the right of the Government to give a direction that a board should cut out such and such amount under a particular head. I am not saying that the Government have issued orders in cases where there was no deficit. Consistently with the policy of the reforms, the local boards must have full opportunity to frame their budgets subject only to the maintenance of the minimum working balance. Subject only to the discharge of obligations, it is not open to the Government to interfere in matters of detail. It is the presence of these words 'that any part of it shall be so altered as to ensure that such provision is made' that I take objection to. When my hon. Friend the Minister is prepared to concede that the Government could not be justified in interfering with the details of

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the budget, and when he also takes credit for the fact that the Government did receive the suggestions made, what possible objection can there be to making the wording clear so that the Government shall interfere only to the extent that is necessary for the purpose of maintaining a working balance? Great difficulty has been experienced because these orders were sometimes communicated late in the course of the year. My hon. Friend from Cuddapah said that he received an order for correcting the Budget so late as in December. Orders are being issued in the course of the year asking for the modification of this item and that item, and this is not a new feature peculiar to this board or that board. In all cases where budgets are sent with a deficit balance, directions should be given in accordance with the spirit of the Act, and the local bodies must have general discretion as to alter as to meet the working balance. Therefore I suggest in sub-clause (2) of section 117, the words 'any part' shall be omitted. The effect of it will be that the Government would not interfere with this portion or that portion of the budget. As stated in the report on Constitutional Reforms the whole budget may be altered so as to ensure that the necessary provisions are made but not any portion of it.

"Similarly with regard to section 116. It will be hard indeed if the district board should take a lesson from the Government and begin to interfere with every detail of the budget of the taluk boards. So far as I am concerned I may assure my hon. Friend that we have been much more generous and we have not interfered with the budgets of the taluk boards."

* The hon. the RAJA OF PANAGAL.—"Sir, the District Boards can realise the difficulty only when they have to make good the defects."

The hon. the PRESIDENT —"The hon. Member has been speaking for more than half an hour; he must try to finish his speech."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"But for the interruption of my hon. Friend the Minister which is neither on a point of order nor for a personal explanation, I would have finished."

* The hon. the PRESIDENT :—"The hon. Member is partly responsible for these interruptions because he gave way to the hon. the Minister."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I shall be glad to have these interruptions and to fight with him for hours if I have sufficient time allowed. I have very little to add to what I have stated. I have explained the reasons for both these amendments. They are not intended to create a new departure in the policy of the Government. As there will be time enough for further amendments being made in the Select Committee stage if necessary, I move that the Bill be read in Council."

* Mr. SAMI VENKATACHALAM CHETTIYAR :—"I second it."

The House adjourned for lunch at 1-30 p.m

After Lunch (2-30 p.m).

* The hon. the RAJA OF PANAGAL :—"Mr President, Sir, this morning when the hon. Member for the University made a motion for the adjournment of the business of the House, he used the following expression: 'which is a fraud upon the power of nomination vested in the Government.' . . ."

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* The hon. the PRESIDENT:—"Order, order. I think the hon. the Raja of Panagal had agreed to bring up this question to-morrow morning. That was my impression."

* The hon. the RAJA OF PANAGAL:—"I have no objection to bring it up to-morrow morning. But I do not want that there should be the impression in the minds of hon. Members that I have left the matter without a challenge."

* Mr. S. SATYAMURTI:—"May I take it that I would also be given notice, if the question is going to be raised?"

* The hon. the PRESIDENT:—"The hon. Member has already got notice of it."

* Mr. S. SATYAMURTI:—"By a mere accident I am simply suggesting for your future guidance that if a motion is going to be made like that except at the time when it is moved, the Member who moved the adjournment motion in the first instance should be given some notice about it."

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920—*cont.*

* The hon. the RAJA OF PANAGAL:—"My hon. Friend from Nellore proposes to introduce certain amendments to the Local Boards Act, 1920. The hon. Member thinks that sections 112, 116 and 117 of the Local Boards Act should be amended. He points out that these sections encroach upon the freedom of the local bodies. He referred to section 112 as vesting in the Government the right to make rules. They have taken power to make rules. One of the rules thus made is to the effect that capital assets should not be diverted to ordinary expenditure. The second rule is intended to prevent diversion of funds for educational institutions which are not recognized by the Educational authorities."

"Now, so far as the first of these rules is concerned, if a local body is allowed to utilize capital assets for ordinary expenditure there is the risk of the local body raising its standard of expenditure and making its administration difficult later on when the capital assets are exhausted. Hence it was thought that such a restriction is necessary."

"So far as the second rule is concerned, some of the local bodies have been diverting funds for the maintenance of educational institutions which have only ephemeral existence and which do not come up to the standard prescribed by the Educational authorities. Such diversion is not in the interests of the local bodies concerned. For these reasons these two rules were framed under section 112 of the Act."

"The other amendment which the hon. Member wishes to introduce is in regard to the right of the Government to interfere with the budgetary arrangements of local bodies. The Government have absolutely no right to interfere unless the district boards frame deficit budgets or budgets without a balance or unless they make no provision for repayment of loans taken from the Government. Now, these two rules are there in the existing Act, and they are found necessary. Because, if a district board does not discharge its indebtedness to the Government and provide for a working balance the Government find it impossible to advance any further loans. So, both these rules are in the interests of the local boards themselves. In this country these local institutions are still in their infancy and unless care is taken to see that they do not go headlong and involve themselves in extravagance,

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the whole local self-government administration would be brought into contempt. It is for these reasons that these rules were framed and there have been instances of occasional interference. My hon. Friend himself admitted that in no case did the Government disregard the suggestion of a local board without sufficient reason. So, if really the local boards want that the Government should not interfere with their budgetary arrangement, it is quite open to them to prepare their budgets making provision for the working balance and the repayment of the loans taken from the Government. If they did it the Government cannot interfere with their discretion. It is only when they do not make provision for the working balance and the repayment of loans the Government interferes. In these circumstances I do not think the Government can allow the amendments."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, however much on theoretical grounds the amendments proposed by the hon. Member from Nellore can be supported, it seems to me that in the present state of affairs of the local bodies, where difficulties exist in apportioning the funds available for them for the several services, on practical grounds it is impossible to accept them. There are many difficulties and there are also parties which contend within the boards for appropriating the funds for their pet objects. In some cases, the local boards have not sufficient funds to provide for the education of the people entrusted to their care. Under the Elementary Education Act there is what is called the elementary education fund. In spite of this fund, sufficient provision is not sometimes made for elementary education. In such cases it is necessary to see that sufficient funds sanctioned under the Elementary Education Act are provided for elementary education. But it at the same time happens sometimes that the local boards do not feel alive to the importance of and the necessity for providing for education. In those cases a certain amount of control is necessary in the case of union boards and taluk boards by the district boards and in the case of district boards by the Government. I cannot say that taluk boards have sufficiently attained that degree of public spirit which ought to animate them in providing for the several services under their management. The local boards are growing institutions which ultimately aim at having perfect freedom in all matters. Therefore I cannot say with my limited experience of local boards that they can be given that ultimate freedom which it is the desire of us all to give them.

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" Therefore, I submit that generally speaking certain reserve powers of control should be left to the higher authorities. The complaint which the hon. Mover of this Bill has got is about the way in which the Government dictate to the local bodies that a portion of the funds shall be spent in a particular manner. I think, Sir, this is necessary in order to provide for the discharge of the loan which the local boards have taken from the Government. It is also necessary to preserve the working balance which each local board has to provide for, if it is to work without a deficit. It is no doubt true that the orders of the Government reach local bodies somewhat late. A few days ago one of such orders reached a particular taluk board. But that is no reason for an amendment of this kind. It would be reasonable to urge any Government to pass early orders on the several items of budget that are being submitted to them.

" As regards the first amendment moved by my hon. Friend, namely, that the expenditure shall be subject to the rules contained in Schedule V and

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also to any further rules that may be framed by the Government, I submit that rules under schedule V are not exhaustive and experience has shown that certain other rules are also necessary and to meet that, Government have framed certain other rules, so that funds might not be diverted to unauthorized purposes. Therefore, I submit that the first amendment is not at all desirable. The other two amendments are to the same effect, and it is necessary that there should be certain amount of control by the Government. But the only ground of complaint that can exist at present is 'let the Government give an opportunity to the local boards concerned before cutting out a portion of the budget; and let the boards be first consulted before Government pass final orders'. However much the hon. the Chief Minister may say that at present it is being done, we sometimes see that it is not being done, because there is no such rule. The sections themselves generally provide for it, and as a matter of practice sometimes it is being done and sometimes not. Therefore if the Government only assure us that, whenever they propose to make a change in the budget or curtail a particular provision, they will consult the local boards concerned and then pass final orders, no real hardship will be felt. However theoretically correct these amendments may be, and however large the aim may be, still, until a certain time, it is necessary that there should be outside control. Therefore, Sir, I am very sorry I am not able to support the amendments moved by my brother President of the Nellore District Board."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am rather surprised that the hon. the Minister for Local Self-Government and my brother President of the District Board of Cuddapah should have thought fit at this late hour to throw obstacles in the way of my amendments. I shall first deal with the remarks of the hon. Member from Cuddapah. He stated that however much in theory the amendments suggested by me were desirable or proper, because he had no faith in the efficient working of the local bodies, he would not support my amendments. I find that a remark somewhat to the same effect has been made by the hon. the Minister, viz., that these local boards are in a stage of infancy and require to be nurtured and trained before they could be given more powers. May I remind them that their remarks remind me of the argument advanced against us in the way of granting us further constitutional reforms? These local boards have been constituted not by the Act of 1920, but they were constituted in 1884 or 1885, that is about 40 years ago they came into existence. If one would carefully go through the famous resolution of Lord Ripon he would find that measures such as these and even more liberal ones were contemplated in that resolution. Now to say that these local boards which came into existence some 40 years ago are still in an infant stage and they cannot be trusted is a statement which I believe is calculated to damp the spirit of those who have been engaged in the growth of local self-government. As I have pointed out already, the amendments which I have suggested are so modest that I thought that no objection would be taken. In the first amendment that I have made I have not suggested that these local boards should have absolute freedom; I have not suggested that the present restriction which the Government have retained under schedule V should be done away with. On the other hand, I have pointed out that if the Government think that for any reason they should have special safeguards, they could have those safeguards under schedule I of the Local Boards Act.

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I have pointed out that if you will have the liberty of making certain amendments and alterations and placing them before the Legislative Council, you will also have the right under section 200, either to accept or modify those alterations. Under those circumstances, are we now to say that we have no faith in the Legislative Council exercising its discretion properly in considering those amendments? My suggestion is that once you have stated that restrictions such as these are not absolutely necessary, they may be relegated to a schedule. I believe the opposition to these amendments must be discouraging to those who have the interests of the growth of local self-government at heart."

* The hon. the RAJA OF PANAGAL :—" Am I to understand the hon. Member from Nellore to suggest that the rule making power of the Government under the Local Boards Act should be limited ? "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I may point out that I expressly stated to the contrary. I said distinctly that instead of vesting these boards with indefinite powers which are likely to create difficulties. . . "

THE hon. the RAJA OF PANAGAL :—" Is not the hon. Member's first amendment against Government having the power to make rules other than those included under schedule V ? "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am afraid the hon. the Minister has not understood my speech clearly. "

* The hon. the RAJA OF PANAGAL :—" I am referring to the amending Bill itself. "

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Nor the Bill itself, because it will be found that if from what he says he has no objection to consider an amendment to schedule V he will, I suppose, withdraw his objection to the whole amendment of the Bill. section 112, sub-section (2), provides that the funds of a local board shall be applied to the purposes mentioned in sub-section (1) of the section subject to rules in schedule V. Subject to the rules in schedule V, I ask for the deletion of the words ' and any further rules which may be prescribed '. The words ' subject to the rules in schedule V ' still remain, i.e., those restrictions which might be brought under schedule V still remain. I have not asked that both these provisions should be taken away. What I have proposed in my amendment is that this general provision that is likely to create difficulties may be removed; and if that is done the funds of the local boards can be made applicable to the purposes mentioned in sub-section (1) of section 112. It is open to the Government according to section 200 to alter a provision made under schedule V. The Act itself has given that power, but the only difference by carrying out this amendment will be that for the purpose of modifying or altering a grant made under schedule V, the hon. the Minister will have to take the consent of the Legislative Council. He still has the power to initiate but it will be necessary for him to go to the Legislative Council and obtain its consent for any alterations. The reason for opposing my amendment is that the hon. the Minister has no faith in the good sense of the Legislative Council.

" Coming to the second point, I fail to understand the position taken up either by the hon. the Minister or the hon. Member from Cuddapah. The effect of my amendment would be that Government need not deal with each

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sub-head and give directions to the local boards concerned to alter or take away the provision made by them under each head. I have not asked that the powers which the Government have under the Act should be taken away. No one has suggested that. On the other hand, what I have suggested is that you must not interfere with the detailed items of the budget, with each head or sub-head. So long as your purpose is only to see that the balance is maintained, and that each local board discharges its obligations, what possible objection could there be in accepting my amendment? The original object of the Bill, even at the time when it was drafted, was not to interfere with the local boards concerned in every small detail. For these reasons I think the position taken up by the hon. Minister is certainly not reasonable. I am surprised that even after the Reforms have been in operation for the last four years we are confronted with the theory that we have not risen to that stage when we can be entrusted with this power. I am quite aware that mistakes are being committed. May I point out that even in the Montagu-Chelmsford Report the distinguished authors of that report have stated that we should rather allow these local bodies to make mistakes and to profit themselves by those mistakes? That suggestion is no new suggestion. I therefore submit that you must give them more liberty and more powers. The attitude taken up by the hon. Minister is, I think, unreasonable, because if he thinks that further provisions are being incorporated in the Act, it is open to him to suggest such alterations as he thinks necessary in the Select Committee.

"If the hon. Minister thinks that if this portion of section 112 is taken away further alterations will have to be made in schedule V it is perfectly open to him to do so. But not to take either of these two courses and say at the outset that he opposes the motion is to adopt a very retrograde policy."

* The hon. the RAJA OF PANAGAL :—"Sir, my hon. Friend contended that the local bodies are not in a stage of infancy and referred to the Act of 1884. He must remember that the local bodies under the Act of 1884 are altogether different from those under the Act of 1920. Under the former Act, local bodies were more or less controlled by the Revenue authorities. The Collector is to be the president of the district board, and the Divisional Officer the president of the taluk board."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"May be."

* The hon. the RAJA OF PANAGAL :—"Yes, may be the president of the taluk board."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The Act of 1884 gave power to appoint non-official presidents to district boards and, so far as the district boards are concerned, there is no difference between the present Act and the Act of 1884. Even with regard to the taluk boards, the Government had the power to appoint non-official presidents, but they did not do so since they wanted to appoint their own men."

* The hon. the RAJA OF PANAGAL :—"The Act of 1884 provided for non-official presidents to the district boards, but in most cases the presidents appointed were the Collectors of the districts."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Before the Reforms were inaugurated and the hon. Minister took charge of the department there were as many as 15 or 16 non-official presidents of district boards."

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* The hon. the RAJA OF PANAGAL :—“ That was in 1920, I believe. The real democratization of local bodies began from or about the year 1920.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ About the year 1916.”

* The hon. the RAJA OF PANAGAL :—“ Sir, even if it were so, during these ten years the local bodies cannot be said to have attained to manhood. My point is this. If rules can be framed under schedule V I do not see any reason why they should not be permitted to be framed under sections 116 and 117. By transferring rules from section 116 and 117 to schedule V, it will not improve the position of the local bodies to any extent whatsoever. The hon. Member referred to the progressive policy of the Government. I am one of those who advocate a progressive policy so far as the real freedom of the local bodies is concerned. But it must be subject to sufficient safeguards. We ought not to allow them licence which might lead to their ruin. If a local body is allowed to do as it pleases, there may come a time when the Government will have to interfere and dissolve the local body. As recently as 1923, these local bodies, particularly the local boards, were indebted to the extent of 17 lakhs of rupees. Their bills could not be honoured in the treasuries. Government had to come forward with contributions to clear their indebtedness. In such a state of things it is absolutely necessary to have these safeguards provided for by the rules.”

The motion was put to the House and lost.

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Sir, in asking for leave to introduce a Bill to amend the Madras City Municipal Act, 1919, I hope I will be permitted to make a brief explanation of the scope of the Bill.”

* The hon. the PRESIDENT :—“ First of all, let us see whether any objection is taken to the motion for leave to introduce the Bill.”

* The hon. the RAJA OF PANAGAL :—“ I object to leave being given.”

Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Sir, when I sought leave to introduce a Bill to amend the Madras City Municipal Act some time ago, I withdrew the motion at the suggestion of the hon. Minister, because I felt that more comprehensive amendments than the ones I intended to move were under the consideration of the Corporation of Madras. I therefore thought it advisable to wait till the report of the committee appointed by the Corporation for that purpose was ready. But now I have come to introduce an amending Bill to meet an emergency and to remove certain very great disabilities.

“ In the City of Madras there are several private owned plots of land on which superstructures have been erected by persons other than the owners of the plots without any provision either for drainage or lighting or metalling of the roads. These plots are in a very deplorable condition as regards sanitation. The sanitation of the City of Madras is generally affected by the existence of these lands. Under the present Act, we are unable to make any improvements in these private lands except by coercing the owners of these superstructures to pay the cost of the improvements. As the House is well aware, and the hon. Minister will agree with me, the owners of these superstructures are too poor to pay the cost of the improvements

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which are very necessary. The existing provisions of the Act do not enable us to recover the cost from the owners of these lands. I shall only instance the case of Parthasarathi Kuppam which is very near. The controversy over the improvement of that kuppam arose as early as 1919 and even now we are unable to make a single improvement in that locality. I am only mentioning that as a typical instance."

* The hon. the PRESIDENT :— ' I am afraid the hon. Member is making the speech which he would make when introducing the Bill. Will the hon. Member kindly confine himself to a brief explanatory statement describing the scope and purpose of the Bill? "

* MR. SAMI VENKATACHALAM CHETTIYAR :—" My intention is to make the explanation as brief as possible. But the condition of the City of Madras is so bad that I am unable to convey the idea more briefly than I am trying to do. I hope, Sir, I may be permitted this laxity. I want to provide in the Bill that the owners of these plots of land bear the cost of the improvements made by the Corporation. There are in this House several gentlemen who have been Members of the Corporation and also Commissioners of the Corporation. They will certainly agree with me that this disability should be removed as soon as possible. I may also say, Sir, in support of my motion that it is not to be taken as a party motion coming from the Opposition. This proposal emanates more from the office than from myself, who is fortunately or unfortunately a member of the party which is not in power. I therefore beg of the Minister for Local Self-Government to accord permission to introduce this Bill. I promise to confine myself to the amendments aiming at removing this disability."

* The hon. the RAJA OF PANAGAL :—" Mr. President, I am glad my hon. Friend admits that when he wanted to introduce the Bill last time he was told that it was not the proper time, in view of the fact that there was a comprehensive Bill under contemplation by the Corporation. Now, if that reason held good then, I do not see any reason why it should not hold good now. My hon. Friend tried to make out a case for urgency of the amendment. He has now the privilege of being the President of the Corporation and it is up to him to get the Bill prepared as early as possible and introduce a comprehensive Bill once for all."

* MR. SAMI VENKATACHALAM CHETTIYAR :—" It is humanly impossible to bring out such a Bill as early as it would be necessary to remove this disability. We are now facing an epidemic of cholera which is the result of the insanitary condition of these kuppams and improvements are very necessary."

* The hon. the RAJA OF PANAGAL :—" I have already said that it is open to the President of the Corporation to expedite the consideration of the proposed Bill and introduce it if not immediately, at least in the next sitting of the Council. The Corporation has been spending months over the Bill without introducing it. There is also another aspect of the case. The hon. Member takes the responsibility of the legislation on himself. As a matter of fact, the Bill under contemplation has the benefit of the advice of the Corporation. I cannot really understand why when that Bill is under consideration of the Corporation this Bill should be introduced by an individual member while the Corporation is preparing another. I do not think that any purpose will be served by allowing this motion to be discussed."

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* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ Even that Bill was at the instance of individual councillors. It was I who moved the Council to consider the draft Bill which I intended to introduce here. There is no difference between this Bill and that Bill. The justification to expedite this part of the Bill is that the matter is very urgent. If the hon. Minister for Local Self-Government is of a different opinion, I cannot help it, and I am only sorry for it.”

* Mr. S. SATYAMURTI :—“ Sir, I ask permission to speak at this stage. I ask for a right which has so far not been pressed and not ruled upon. I submit, it is in your discretion to allow me to speak at this stage.”

* The hon. the PRESIDENT :—“ Yes, the hon. Member may speak.”

* Mr. S. SATYAMURTI :—“ Sir, the hon. the Raja of Panagal wants to stand in the way of this House legislating for the Corporation of Madras. The Corporation of Madras is not a Member of this Council. The Corporation may take a very long time in preparing a Bill to amend the Madras City Municipal Act. I should have expected the hon. Minister to meet my hon. Friend on the merits of the Bill. The only substantial ground that the hon. Minister urged was that since the Corporation was preparing a Bill this House should fold its hands and sit quiet. I do sincerely hope that this House is not going to take the *ipse dixit* of the hon. Minister. If we are to take these, it will be open to the hon. Minister for Education to say to-morrow that since his department is preparing a scheme of education we should fold our hands and do nothing. Similarly it will be open to the various departments”

The hon. Rao Bahadur Sir A. P. PATRO :—“ We have never said so.”

* Mr. S. SATYAMURTI :—“ I know that that is the trouble with this Ministry. When they want that a particular Bill ought to come up, then the departments cease to exist. When they want to oppose a Bill, the departments spring up with their expert advice. We are told we must wait. I hope no Member of this House will try to give to this Madras Corporation any right to give us an injunction not to proceed to amend the Madras City Municipal Act, till they have made up their minds to that effect. The hon. Minister said that my friend Mr. Sami Venkatachalam Chettiyar has taken upon himself the responsibility of piloting this Bill, whereas if we waited for some time, we would have the Corporation's Bill. May I ask who is then going to introduce the Bill? Is the Corporation going to have a special representative nominated here? ”

* The hon. the RAJA OF PANAGAL :—“ No. A committee has been appointed by the Corporation of Madras to consider the various amendments proposed.”

* Mr. SAMI VENKATACHALAM CHETTIYAR :—“ To consider my Bill. ”

* The hon. the RAJA OF PANAGAL :—“ Whosoever the Bill is, it is being considered by a committee. We had better have the benefit of the advice of the committee, and we will have it if the Bill under their consideration is introduced.”

* Mr. S. SATYAMURTI :—“ My point was and is that even if the Corporation sends its own recommendation, my hon. Friends, the Raja of Panagal or Dr. Natesa Mudaliyar or Mr. Sami Venkatachalam Chettiyar will have to pilot it

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in this House, as the Corporation cannot come into this House as a Corporation and pilot its Bill. Therefore the point that Mr. Sami Venkatachalam Chettiya is piloting this Bill has no relevancy whatever.

"With regard to the advice of the Corporation, this is only the first reading of the Bill. If that is allowed, then there will be the second reading. There will be a select committee, and there will be stages, opportunities, when this House can consult and get the benefit of the expert advice of the Corporation. But the real point, Mr. President, is this. The Corporation wants the power to compel the owners of these vacant sites on which the poorest of our citizens have got to live to give them light, to provide conservancy arrangements. Does the hon. the Raja of Panagal think that the Heavens would fall, if power is given to the Corporation in the direction? What are we here for if we cannot give the power to the Corporation to provide for the sanitation and the conservancy of its poor citizens? I am surprised at the line taken by the hon. Minister. He should have welcomed the opportunity, unless it be that nothing good can come out of this House, and everything coming from this side should be opposed by it. I do trust that the hon. Minister will not take that position. Even if he does, I appeal to this House to treat this as a humanitarian question and not a party one, as a question of giving light and sanitation to the poorest of the Madras citizens, and I appeal to them to vote for the measure."

Mr. A. RAMASWAMI MUDALIYAR :—"I am indeed surprised at the sentiments that have been given expression to by the hon. Member for the University. I should have thought, Sir, representing as he has been claiming the democratic side of the House, that he would have been the first to recognize the right and privilege of the Corporation of Madras to give their views on the question and to put forth their measure."

* Mr. SAMI VENKATACHALAM CHETTIYAR :—"They have already expressed their opinion in favour of these two sections most unmistakably."

Mr. A. RAMASWAMI MUDALIYAR :—"I understood, Sir, that the suggestions were before a committee of the Corporation. These among others, I understand and I am fortified by the opinion expressed from all sides of the House, are before the committee. We know, Sir, that in the Mother of Parliaments at least, the tradition is just the other way. You know, Mr. President, more than anybody in this House perhaps, that Bills like this affecting particular corporations are termed private Bills in the House of Commons, that they are introduced not at the instance of this or that particular Member of the House but at the instance of the Corporation, which is most directly concerned with the bill, the Corporation through some Member of Parliament undoubtedly, but the Corporation nevertheless and the Corporation *suo motu* of its own accord comes before the House of Commons and asks for a private Bill affecting, for instance, the Bradford Corporation or the Manchester Corporation or the City of London County Council being introduced and passed by the House. We are in this happy position that at least with reference to the Corporation of Madras which is a corporation solely by itself, which is not fortunately, even according to the red-tapism of the Government, mingled up with a score or a hundred of other corporations but which is treated as apart, that wholesome practice, that sound parliamentary procedure, may be hereafter introduced and carried through. So far as the other municipalities in the Presidency are concerned, we have got about 80

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or 85 of them, and a wholesale Bill is introduced affecting all the municipalities without reference to individual conditions and circumstances, and it is not possible for our municipalities to come forward and say that for its own sake such and such powers are necessary and such and such amendments ought to be made. With reference to the Corporation of Madras, however, we have got the City Municipal Act, and any amendment that may hereafter be introduced into the Legislative Council, I venture to think, Mr. President, should come from the Corporation of Madras itself. That is a very wholesome rule, a rule which I venture to appeal to my hon. Friend's democratic conscience if he has not left it behind, a rule which I trust will meet all sound canons of democracy and will at the same time strengthen the cause for which all of us stand, namely, the Corporation's individual liberty. Otherwise it may be to-day that it is the President of the Corporation that is piloting the Bill. To-morrow it may be my own humble self that may not have even the privilege of being a member of the Corporation; but as a citizen of the city I may bring forward my amendments before the House. I am at liberty to do so under the Standing Orders, and I am at liberty to do so under the Act under which we are functioning. I just question the advisability of these private measures being brought forward time after time without any reference to that corporate body whose powers and functions are sought to be affected by the legislation. Therefore, Sir, I venture to think that the line that the hon. the Chief Minister has taken in this particular matter is a wholesome line, and I trust that he will repeat the same line of conduct whenever amendments at least to the City Corporation's powers are mooted by way of amending Bills in this House."

Mr. R. MADANAGOPAL NAYUDU :—" I think that the Committee that has been referred to by the hon. the Chief Minister has nearly finished its labours and is probably likely to submit its report shortly. So far as I know it has had a number of sittings and has dealt with most of the provisions. The chief provisions that were sought to be amended were, I believe, the first portion of the Act. Of the later provisions, perhaps the one to which reference has been made by the Mover has also come in for consideration. I also know that some action has been taken by an ex-Commissioner who consulted the Corporation vakil and has made provision for the contingency contemplated by the hon. Mover. In pursuance of the opinion expressed by the ex-Commissioner in conjunction with the Corporation vakil some action has been taken in the past where owners of houses built on private land have been given the relief which is sought to be given by the present Bill. I therefore say that there is absolutely no urgency in the matter. As a member of the Works Committee for some time, I remember that in a number of instances relief as is now contemplated has been given. There is thus no hurry in the matter, and we may take the considered opinion of the particular committee that is going into the matter, and I think we can wait till the proposals emanate from the committee appointed by the Corporation of Madras."

Rao Bahadur C. NATESA MUDALIYAR :—" Mr. President, I am surprised at my hon. Friend's attempt in rushing forward this Bill. When I brought an amending Bill last time, the hon. Minister for Local Self-Government asked me to withdraw the Bill because the Corporation was getting up a consolidated amending Bill."

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* Mr. SAMI VENKATACHALAM CHETTIYAR :—" At the hon. Minister's suggestion, both of us withdrew our Bills."

Rao Bahadur C. NATESA MUDALIYAR :—" No doubt both of us withdrew, Sir. But the fact remains there and I cannot understand why while I withdrew my Bill and he also, he alone should rush his Bill at present. Sir, a committee of the Corporation is sitting and they are, I think, completing their deliberations and if our hon. Friend can wait a little longer, certainly a Bill probably more comprehensive in its nature and more effective will come into existence. If it is not the present Mover, it may most probably be moved by the hon. Minister himself with the probabilities of carrying the Bill through safely. Moreover, Sir, in the Bill some notifiable diseases are mentioned and if only the Corporation had seen the list, some diseases would not have been mentioned at all."

* Mr. SAMI VENKATACHALAM CHETTIYAR :—" I am afraid the hon. Member is labouring under a misapprehension. I made it clear that the Bill which I sought to bring forward the other day is not the Bill which I am now bringing forward. I am now confining my present Bill to only three sections of the Act and I do not refer to the contagious diseases at all."

* The hon. the PRESIDENT :—" May I ask Mr. Venkatachalam Chettiyyar, if he wants to speak again, to come back to the Opposition side and do so."

Mr. C. RAMALINGA REDDI :—" Rather, the Swarajist side, Sir." (Laughter.)

* The hon. the PRESIDENT :—" I do not want any misapprehension in the House as to what side he is taking in regard to the measure."

Rao Bahadur C. NATESA MUDALIYAR :—" I think, Sir, that the Act as it exists is sufficient for making the localities as sanitary as possible and the Bill is therefore out of place."

The motion for leave to introduce the Bill was then put and declared lost. A poll was demanded and the House divided thus :

Ayes 21.

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| 1. Rao Bahadur C. V. S. Narasimha Raju. | 12. Mr. C. Maruthavanam Pillai. |
| 2. Mr. C. Ramalinga Reddi. | 13. " G. Rameswara Rao. |
| 3. Rao Bahadur A. S. Krishna Rao Pantula. | 14. " Sami Venkatachalam Chetti. |
| 4. " T. A. Ramalinga Chettiyyar. | 15. " C. V. Venkataraman Ayyangar. |
| 5. Mr. J. A. Saldanha. | 16. " B. Venkataratnam. |
| 6. " A. Ranganatha Mudaliyar. | 17. Rai Bahadur T. M. Narasimhaচারী. |
| 7. " C. Gopala Menon. | 18. Mr. Abdul Hye Sahib. |
| 8. " S. Muttayya Mudaliyar. | 19. " M. R. Seturathnam Ayyar. |
| 9. " S. Satyamurti. | 20. " M. Seetayya. |
| 10. " T. Adinarayana Chettiyyar. | 21. " R. Srinivasa Ayyangar. |
| 11. " P. Anjaneyulu. | |

Noes 45.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 9. Mr. V. Pandrang Rao. |
| 2. " Mr. N. E. Marjoribanks | 10. " Abdulla Ghattala Sahib. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 11. " S. Arputaswami Udayar. |
| 4. " Mr. I. E. Moir. | 12. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 13. Rao Bahadur C. Natesa Mudaliyar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 14. Mr. A. Ramaswami Mudaliyar. |
| 7. " the Raja of Panagal. | 15. Rao Bahadur P. C. Ethirajulu Nayudu. |
| 8. Mr. G. T. Boag. | 16. Mr. N. Devendrudu. |
| | 17. Rao Sahib P. V. Gopalan. |
| | 18. Mr. L. C. Guruswami. |

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Noes—cont.

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| 19. The Zamindar of Kallikota. | 33. Mr. B. Ramachandra Reddi. |
| 20. Rao Bahadur K. Krishnaswami Nayudu. | 34. Diwan Bahadur M. Krishnan Nayar. |
| 21. Mr J. Kuppuswami. | 35. Mr. P. T. Rajan. |
| 22. „ R. Madanagopal Nayudu | 36. Rao Bahadur P. Baman. |
| 23. Honorary Lieutenant Madurai. | 37. Mr. P. Sagaram. |
| 24. Mr. T. Mallesappa. | 38. „ J. D. Samuel. |
| 25. „ P. N. Marthandam Pillai. | 39. Rao Sahib R. Srinivasan. |
| 26. „ B. Muniswami Nayudu. | 40. Mr. P. V. S. Sundaramurti. |
| 27. „ C. Muttayya Mudaliyar. | 41. „ R. Veerian. |
| 28. „ B. Obalesappa. | 42. „ K. Venkatachala Padayachi. |
| 29. „ K. S. Ponnuswami Pillai. | 43. „ Qadir Muhi-ud-din Sahib. |
| 30. „ K. Prabhakaran Tampan. | 44. „ P. Khalif-ul-Jah Sahib. |
| 31. „ G. Premayya. | 45. „ Moidu Sahib. |
| 32. „ K. Raghuachandra Ballal. | |

21 voted *for* the motion and 45 *against*.

The motion was lost.

A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS
ACT, 1923.

8-30
p.m.

Mr. C. V. VENKATARAMANA AYYANGAR:—“Sir, I have not got all the information I want in this matter and I would request you to give me permission to move the Bill at the next meeting. I had a talk with the hon. the Minister in charge also, and I think he has no objection to this course.”

* The hon. the PRESIDENT:—“I may take it therefore that the hon. Member has permission to move it at the next meeting”

The House signified its assent.

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

* Mr. R. VEERIAN:—“Sir, I beg to introduce the Bill^a to amend the Madras Local Boards Act, 1920, and move that it be read in Council. In introducing it, I beg to submit that I am not going to bring in the subject of caste nor am I going to raise the problem of untouchability in relation to caste. The reason for my attempting to amend the Madras Local Boards Act is that difficulties are being felt by the members of the so-called depressed classes in non-municipal areas with reference to their walking on public roads or pathways and their use of public markets and public wells. Whatever may be the facts, my own impression is that prevention of such use should be treated as an offence. How are we to deal with such offences? Sir, under the ordinary law, we cannot deal with such offences. Ordinary law can be interpreted according to the ability of the interpreters in any manner they like, and that is the reason why I have introduced a penal clause specifically in my Bill. Now, Sir, in any progressive country there is no necessity for introducing such a measure as the present one, but in India, notably in the southern part of it, the so-called depressed classes have had to fight perpetually for their elementary rights under very distressing circumstances. Country and time both are opportune. Country and time both demand such a measure in order to establish the foundation of pure democracy. Sir, there may be some impression in the minds of hon. Members that if such a Bill were to be passed, the heaven would come down, the ocean would rise up and the earth would go down (laughter).

^a Published in the *Fort St. George Gazette*, dated 5th May 1925, Part IV, pages 109-110.

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[Mr. R. Veerian]

Do you think, Sir, that such an event would ever occur? On the other hand, if the Bill were to be passed by the hon. Members of this House, I am sure that there will be divine songs all over the country for their benevolent sympathy, kindness and political sagacity. Sir, when we ask for more freedom, is it not right to extend the same liberty and freedom to the so-called depressed classes who are less fortunate people? Is it not the very same to them? Is it not right on our part to extend the same liberty and freedom to the so-called depressed classes who are denied these privileges and rights for centuries together? I am only aiming at that thing, Sir, and I am not going any whit beyond that. As long as you deny these rights and privileges, how can India pose herself as a united nation? Can India pose herself as a united nation as long as these people, one-sixth of her population, are kept under subjection and are denied these rights and privileges which humanity demands should be given to them? Sir, it may not be out of place to mention that during the Viceroyalty of Lord Bentinck, the abolition of Sati was effected. It was purely based on religious sentiment and in that year, if I remember aright, Thuggism also was put down. These Thugs were in the habit of sacrificing human beings to the Goddess Kali. Sir, what is the position of the so-called depressed classes at present? They are suffering in several aspects. They are reduced to nothing on account of this utter denial of elementary rights and privileges. I may mention, Sir, that these depressed classes are suffering owing to utter denial of these rights and privileges, and that suffering is not in any way better than the cruel systems of Sati and Thuggism. Sir, India prides herself upon her being spiritually the greatest among the nations of the world. Her poets and politicians take pride in this noble sentiment and hail the dawn of a new India as the saviour of humanity. Sir, unless this idealism were given practical effect what is the use? I now appeal to this hon. House. This hon. House has got a conscience, and I therefore appeal to every section of the House to realize the pitiable state of the so-called depressed classes in order to support the measure which is on the floor of this House. I want to be as brief as possible, as I have attempted to be, and I hope that this Bill will not suffer for want of proper support. I therefore commend this Bill to the acceptance of this hon. House."

Mr. N. Devendrudu seconded the motion.

* The hon. the RAJA OF PANAGAL:—"Sir, as I have already stated, in connexion with the introduction of another Bill, I have the greatest sympathy for the condition of the depressed classes in this country. I entirely agree with the hon. Mover that it is a blot upon the fair name of India that she should allow a section of her people to be subjected to such shameful disabilities as not even to enter public streets and roads (Hear, hear.) The sooner there is a change in these conditions the better. But at the same time, I am not quite sure if this House is the proper forum where legislation should be undertaken for effecting a change in this direction. I have no objection, Sir, to have the Bill referred to the Select Committee so that that Committee may consider it. In this connexion, I may say, Sir, that the policy of the Government has already been laid down in the resolution which has been passed in this House."

* Mr. J. A. SALDANHA:—"Sir, Government have no doubt shown a lot of lip sympathy in this matter. (Laughter.) They have passed very kind resolutions full of noble sympathy."

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* The hon. the PRESIDENT :—“ It was not the Government that passed the resolution. I believe it was the House that passed the resolution. So, I cannot allow any ironical statements made about the decisions of the House.”

* Mr. J. A. SALDANHA :—“ I speak of the resolution referred to by the hon. the Minister.”

* The hon. the PRESIDENT :—“ It was a Government Order passed as the result of a resolution of this House. The hon. Member was referring to a resolution passed by Government.”

* Mr. J. A. SALDANHA :—“ I refer to the Government Order on a resolution passed by this House. But that Government Order merely amounts to lip sympathy because it is followed by other orders which are quite in conflict with the principles expressed in that order. That order is also not sufficient and an Act of a comprehensive nature is therefore necessary. I am therefore quite at a loss to see why the hon. Minister looks askance at this Bill as if it is not quite necessary. Some sort of measure is necessary in consideration of the fact that that Government Order had very little effect. What shape the Bill should take is a matter for the Select Committee to consider and I hope we shall both together consider the points and settle the scheme for determining this important question of laying open all public streets, roads, tanks and other public places to all classes of people without distinction of caste or religion.”

The hon. Mr. T. E. MOIR :—“ On a point of order, Sir. The hon. Member has accused the Government of having first issued an order to a particular effect and then issuing further orders which counteract or limit the effect of the previous order. It seems to me to be a somewhat serious charge against the Government and would it not be advisable that the hon. Member should quote these orders to show clearly in which way the Government broke the orders which had been passed in consonance with the resolution of the House so that we may know what the charge is? It may be directed against the Reserved half or the Transferred half of the Government, and I am anxious to know against whom the charge is brought forward and what that charge is.”

* Mr. J. A. SALDANHA :—“ Sir, I have in mind the order referred to by the hon. the Law Member this morning. I for one am not at all satisfied with the spirit of that order.”

* The hon. the RAJA OF PANAGAL :—“ May I know which was the order that was issued on the Transferred side?”

* Mr. J. A. SALDANHA :—“ These two sides are mixing together when necessary and are speaking of the Transferred and Reserved halves as a happy family. I suppose it still continues and that there is no conflict in this matter between the Reserved and the Transferred halves.”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ Sir, I wish to make a few observations regarding the principles of this Bill as this is the stage at which we have to make any general observations. I am sure it will go before the Select Committee and the provisions will be carefully examined by that committee. One portion of the argument of the hon. the Minister

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I am not able to understand and that is this: that this is not the forum where such questions ought to be discussed or brought up. He made a general statement like that"

* The hon. the RAJA OF PANAGAL :—"What I said was that I was not sure whether this House was the proper forum for such legislation. What I meant was that social reform should be effected by educating the public mind."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I only want to make it clear, as he did not make it quite explicit before. His view appears to be that in matters affecting social reform it is the duty of the representatives of the people to educate them and see that the necessary changes are effected. I may state at the outset that there will be no difference of opinion so far as the object of this Bill is concerned. It is our duty as best we can to give all facilities for members of all castes and creeds and remove untouchability as early as possible. But I wish that we consider the Bill on its merits, and also consider as to the effect of the Bill. There is no one in this House who will question the correctness of the principle enunciated, namely that persons of all castes and creeds, and persons of the depressed classes, must have every possible facility in the matter of entry on public paths, roads, wells and so forth. Having said that, let me make myself clear as to one or two points regarding which I am not quite sure. Section 157-A states that 'no person shall obstruct a person walking along a public road . . . etc.' I take no exception to that clause, Sir, because that is the common right of every subject in the realm. The only point for consideration is whether it is necessary that a provision like that should be inserted in the Bill. When a man becomes a criminal he is rendered liable to punishment for the offence. It has been stated in the Statement of Objects and Reasons of the Bill introduced by my hon. Friend, Mr. Saldanha, that it is an offence liable to prosecution under section 321 of the Indian Penal Code. Whether you will make it an offence both under this special Act and under the general law, or whether you are going to suggest that this will be as an alternative punishment to that contained in the Penal Code is a matter which requires further consideration.

"So far as the other amendment is concerned, I think that, if the object of the hon. the Mover is merely to provide that the depressed classes shall have access to all public wells, it is not possible to achieve that object by amending section 124 in which this amendment is sought to be inserted. I do not know whether the amendment No. 3 suggested in the Bill, as it reads, would be germane to section 124 wherein it is sought to be inserted. Section 124 reads :

'(1) The president of a taluk or union board may, with the approval of his local board, set apart public springs, tanks, wells, and other places and parts of public water courses for drinking purposes or for bathing or for washing clothes or animals or for any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and with the consent of the owners may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.'

To bring into this section an amendment saying that 'they shall be open for the use and enjoyment of all people irrespective of caste or creed for the purpose mentioned above' does not at all fit in with the object of the provision in section 124, which is intended to have a limited effect, to meet

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contingencies and to make special provision in times of epidemics. So if you want to achieve your object, I do not think it is possible to attain it by making such an amendment as this.

“Again, another aspect of the question I will place before this House. So far as wells are concerned, let us remember the history of this question. It will be known that there have been wells specially constructed for depressed classes for several years. Suppose we accept this amendment. Will it mean that after accepting this policy we shall not have wells for particular classes or castes, and that the wells, including those to be constructed hereafter shall be common to all? I do not know whether this is calculated to benefit those people for whom this is intended. Because, we know that applications are being received time after time for separate wells for Panchamas, for Malas and for Madigas, and so forth. When you try to have common wells for both these communities, they create any amount of difficulty; and they say that they cannot possibly draw water from the same well; and separate provision is asked for, with the result that the local boards in several places have been making latterly large allotments for the purpose of wells for the depressed classes. I remember the discussion that took place when my hon. Friend, Mr. Veerian, wanted a certain portion of a special grant being reserved for wells for depressed classes, and it will be satisfactory to know that the Government did well in not accepting the suggestion. Suppose he succeeded in having a portion of the allotment reserved for that purpose, the result would have been that something less than half of the allotment would have been reserved. I do not know what is the case in other districts. But I may say that out of the allotment made in my district about 75 per cent if not more has been allotted for the depressed classes. Though my hon. Friend felt that I was somewhat unsympathetic because I did not agree to his suggestion of reserving a portion of the allotment, the effect of not reserving any portion of the allotment has been that several applications that have been made on behalf of the depressed classes have been complied with. Suppose we accept this amendment. What will be the effect? The effect will be that there would not be any separate provision for the depressed classes, as all public wells should be open for all classes. Therefore, upon the merits of these particular amendments, I wish they should be examined by the Select Committee before they are accepted by this House. Again, I may point out that, on former occasions wells having been constructed in various localities on the express understanding that they were for the exclusive use of particular communities, the question will now arise whether in those places you will or will not consult the convenience of the other inhabitants. You must examine the condition of each locality and the circumstances under which and the manner in which those wells were constructed in each particular place at the time when separate provision was made for this purpose. Whether it is desirable to disturb that arrangement by a piece of legislation like this is a matter which requires further consideration.

“So far as the question of public markets is concerned, I do not think such a provision is necessary, because when once it is stated that ‘such markets shall be open to all people irrespective of caste or creed’, all the natural consequences will follow. I may tell my hon. Friend, Mr. Veerian, that his purpose will not be served by introducing his amendment in

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section 167, because in section 168 and in other later sections amendments would be necessary before he can achieve the object he has in view.

“ Therefore, I think it is necessary to examine whether, in the first place, it is a principle on which we can enact, viz., that on matters of social legislation this Council is to start legislation, as was pointed out by the hon. the Minister for Local Self-Government; secondly, whether in case we take up this responsibility we should not have special sections to fit in with the Local Boards Act; thirdly in the matter of public wells whether you will or will not take into account the local conditions and circumstances under which public wells and separate wells were constructed from time to time. As there is time enough, I am sure that when this Bill goes to the Select Committee all these points would be taken into consideration.”

* Diwan Bahadur M. KRISHNAN NAYAR:—“ Sir, my hon. Friend, Mr. Saldanha, referred to two Government Orders based on resolutions passed by this Council, and he characterized one of those orders—I do not remember the exact words he used—at any rate he called it in substance as an unsatisfactory one. My hon. Friend, Mr. Moir, wanted to know which that unsatisfactory Government Order was. Well, I wish to give the information. This Council passed a resolution in August 1924 to the effect that members of the depressed communities may have certain privileges, one of these privileges being that they may walk on all public streets without hindrance, and the Government in the Local Self-Government Department passed G.O. No. 2660, L. & M., dated 25th September 1924, accepting the principle that members of the depressed classes have the privilege of walking along all public streets. Subsequently, another Government Order was passed when Sir Arthur Knapp was in charge of Malabar affairs commenting on the previous Order No. 2660, L. & M., and the number of this latter G.O. is Mis. No. 37, Public, dated 9th January 1925. I believe that my hon. Friend, Mr. Saldanha, characterized this latter Government Order as an unsatisfactory one. I entirely agree with him in regarding it as very unsatisfactory, and I have read that order several times. I have been told that sometimes language is intended not for the purpose of expressing one's thoughts but for the purpose of concealing one's thoughts, and this Government Order is a typical illustration of that statement. I have read the order myself several times, and many others have read it several times. That order I may at once say has special reference to Kalpathi incidents of an earlier date, incidents that occurred earlier than the present ones. Persons who are against the Agraharam entry of members of the depressed community interpret that order as favourable to them, and others who are of the other view interpret the order as favourable to the depressed communities. But I do not know after all which interpretation is correct. In any case, that is an order which is capable of being interpreted by different parties in different ways, and so I think it should be regarded as unsatisfactory.

“ With reference to the merits of this Bill itself, practically this Bill and the Bill of Mr. Saldanha proceed on the same principle and have common objects in view. My hon. Friend, the Minister for Local Self-Government, said he had no objection to this Bill being consolidated with the other when it is resolved by this House to send them to the Select Committee. Only the members of the Select Committee are yet to be chosen. It seems to me that the two Bills may be consolidated together and may be treated as one Bill,

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and whoever are the members of the Select Committee on this may be the members of the Select Committee on the other. That will simplify matters."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, as has been pointed out by the hon. Member for Nellore, there is perhaps little difference of opinion as regards the soundness of the principle on which this Bill has been based. But doubts have been raised and aspersions cast not merely upon the Government but perhaps upon the public that much lip sympathy has been shown while real action was not taken. Even the observations made by hon. Member for Malabar pointed to the inadequacy of the orders of Government passed in connexion with the Kalpathi affair. Well, Sir, we have been accustomed to small mercies, and we are thankful for those small mercies. But what made me rise now, and specially on this occasion, is not so much the disappointment caused to us on account of the lethargy or indifference but perhaps certain observations which have fallen from the hon. Member from Nellore himself. He told us that he had no objection to this Bill on principle but incidentally, however, he brought to the notice of the House certain defects or certain portions of the Bill which may be considered to be defects which might go to the root of the principle. We are told, for instance, that there might be difficulty with reference to wells. It is true that from the grants made by Government a number of wells were constructed separately for one community or another. But is that any reason why we should not accept this Bill as it is proposed by the hon. the Mover (Mr R. Veerian : 'Hear, hear')? If it is left to those who have been working in this field for some time, I would have said that both my hon. Friends, Mr. Saldanha and Mr. Veerian, have made their Bills defective in that they have not included temples along with the wells, places of God, where His creatures are not allowed to go and where admission is denied to them. Certainly, Sir, the place of God where His creatures could go and worship is not the place where admission should be refused. Now, to tell us that certain wells have been constructed already for a particular community because the grant from Government may not be forthcoming, is frankly to introduce the thin end of the wedge and shows the orthodox mind.

4 p.m.

"The next objection is, if I may treat it as an objection, that there might be some difficulty from the point of view of law and that there might be two sets of punishments provided, one in the Municipal Act which may be the special law, and the other provided in the Indian Penal Code, or the general law of the land. The answer to that difficulty is obvious. We have had several Acts passed both here and in the Imperial Legislature and we have had punishments provided both by the General Act and the Special provisions. There is for instance the Forest Act and a number of offences which come under that Act do come under the Indian Penal Code as well. There is the Telegraphs Act and there is the Railway Act and in all these there are separate provisions made for offences connected with special offences and there is also provision in the Indian Penal Code. I really see no difficulty so far as the point of view of administration of law is concerned. Even in the Municipal Act that we have been discussing this morning, there have been such offences, for instance, sedition, slander libel and for all these offences there is a provision in the Indian Penal Code also. There was no objection raised this morning when we were speaking on the Municipal Act.

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"I will only make one more appeal, Sir. This Bill has not come one day too soon. There is a Committee that has gone to far off South Africa where we have been complaining that our countrymen are ill-treated. If we are asked as to what the case is with regard to the depressed classes here, we have no voice to answer that question. If this Bill is passed now and to-day we shall then be able to tell them that here we have made a provision and that they need not any more harp on that worn out argument and that they shall also undo an injustice that can be tolerated nowhere in any civilized country. Let us not bring in technical considerations and objections and delicacies. All these technical conundrums may be brushed aside if we really want to stand by the classes who have been so much depressed and oppressed and whom we have driven to the deep depths from where they are trying to come up. I wish that all will come forward to press this Bill and pass it at once."

* Mr. S. SATYAMURTI :—"Sir, till I heard the hon. Member below the gangway, especially after the Minister has agreed to let the Bill go to the Select Committee, I had no intention of taking part in this debate. But my hon. Friend below the gangway raised two issues in the course of his speech, which I think ought to be dealt with because if they are not, they may lead to misconstruction. For one thing, Sir, I do not agree with him that simply because you pass a Bill in this House, the age-long wrongs and grievances of these unfortunate members of communities wrongly called the depressed classes would be removed. I have not such a pathetic or touching faith in the omnipotence of legislation. I entirely agree that if the hon. Member Mr. Veerian wants this legislation, he has made out a case for the Bill being examined in the Select Committee and being passed to the extent to which and, consistent with the canons of sound legislation, we can protect the rights of these citizens. But to jump from that position, and to argue that immediately you pass it you have removed the grievances of these depressed classes is arguing too much on the faith of people in legislation. I must say that the two great evils from which these depressed classes are suffering are ignorance and drink. These vices are not decreasing . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"May I suggest to him, Sir, that his community is really responsible for this state of affairs? They constantly change this frame of mind."

* Mr. S. SATYAMURTI :—"Without using unparliamentary expressions, I may simply say these remarks are terminological inexactitudes, because I may say—I am speaking with knowledge of facts—that these high caste non-Brahmans are very much more against the rights of the depressed classes, than the much-maligned Brahmins."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"They are as much your slaves."

* Mr. S. SATYAMURTI :—"This idea, namely, that these unfortunate Brahmins who are neither here nor there, are at the bottom of all these things, is a myth and nobody can take my hon. Friend seriously. Mr. President, let us not complicate this problem of the depressed classes by creating caste hatred. You are going to solve this problem on the basis of love and not on the basis of hatred. Nobody opposes this reform so much as the non-Brahman miresidar, as the non-Brahman capitalist, and it is they that are very much against these depressed classes. My hon. Friend forgets that

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it is the Brahman that stands to-day in the forefront of all reforms in this direction. May I ask him to tell us what he and his community have done to remove the grievances of these depressed classes which I and my community have not done? Sir, does this House know that to-day the agencies which are working for the elevation of the depressed classes are predominantly Brahman in their composition and it is they that have paid very much more to the funds of the societies than the non-Brahmans? We have done all these, and my hon. Friend with the support of his party behind him now tries to make party capital in order to strengthen his position in the next elections. Let us draw a line somewhere. If you want to be sure of the next elections, be fair in your methods and let us not make the depressed classes a pawn in this game of chess. I appeal for right-minded sympathy and appeal that caste hatred should not be created. It is an age-long question and let us not bring in the Brahmins.

"Sir, before my hon. Friend interrupted me, I was saying that the two great evils that these depressed classes are to-day subjected to are ignorance and drink. I ask my hon. Friend below the gangway to see that this question is seriously taken up and also to see that drink is taken away from them and that they are given education.

"One more point, and I am done. My hon. Friend who walked into the Ministerial parlour the other day and who stood for all the rights of the Indians abroad quietly agreed to the hypocritical and irrelevant contention that the South African white settlers are entitled to treat the Indian settlers in the same manner in which we here treat a section of our own countrymen. I am not justifying our bad treatment here. But I am not going to agree to the irrelevant argument that those whites are justified in their treatment, because certain sections in our own land are being badly treated. We must stop caste arrogance and caste prejudice, but let us not say that one wrong justifies another. I do not want it to be understood that there are no Brahmins here or outside this House who are not in favour of the utmost justice being done to these classes. But I want to appeal to my Friend, Mr. Veerian, that if he is going to make himself a party to Brahman-baiting, he is doing justice neither to himself nor to his community. If we were to follow the principles adopted by the Ministerialists in this House, then our position should be one of opposition to these measures. Because my hon. Friend, Mr. Veerian, very rarely votes with us if at all. He is a consistent Ministerialist, and even if it is a question concerning the depressed classes themselves, he would not vote with us. But we are not going to follow these tactics of the Ministerialists. On the other hand, we look at the merits of each proposition and support this measure on these grounds. Therefore I suggest to him that he must not take the lip sympathy of people who want to be sure of their next elections, but see that the consciousness of the people is roused to justice and not to party tactics."

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, what I think my hon. Friend Sir K. V. Reddi thought was by passing this Bill the grievances of the depressed classes would be appeased to a degree."

* Mr. S. SATYAMURTI:—"I agree."

Rao Bahadur C. NATESA MUDALIYAR:—"What was always said in this Council was that there was no use passing any number of laws but there was every use in people like my hon. Friend, the Member for the University, telling his people . . ."

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* Mr. S. SATYAMURTI :—“ May I add ‘and the members of his community’ ? ”

Rao Bahadur C. NATESA MUDALIYAR :—“ No, it must be done by members of his own community and it is they that should go to every nook and corner and preach to the high caste Hindus that what was said in the Manudharma Sastra was absurd and those laws would not apply to these days. Because it is not a non-Brahman that goes and tells the non-Brahman mirasidar that if he does not do a particular act he will not get salvation. It is a Brahman that tells them of these things.”

* Mr. J. A. SALDANHA :—“ Which is that Brahman ? ”

Rao Bahadur C. NATESA MUDALIYAR :—“ That is the Brahman who is everywhere a political head, everywhere a religious head and everywhere a social head. It is he, it is that cobra that infuses the poison into our vein. Excuse me, Sir, for saying that.”

* The hon. the PRESIDENT :—“ What is the word that the hon. Member has used ? ”

VOICES :—“ Cobra ”.

* The hon. the PRESIDENT :—“ He must really withdraw that expression.”

Rao Bahadur C. NATESA MUDALIYAR :—“ Sir, I withdraw that word. I used the word ‘ cobra ’ in the sense that the poison infused by it could be removed only by its biting again. I do not mean that the Brahman is a cobra.”

* The hon. the PRESIDENT :—“ I thought that the hon. Member had withdrawn the word, but I see that he is developing the meaning of it.”

Rao Bahadur C. NATESA MUDALIYAR :—“ I withdraw that expression, Sir.

“ As I was saying he is the religious, political and also social head everywhere and it is he that must go and tell the high caste non-Brahman that all that is said in the Manudharma Sastra is wrong; unless that is done, no amount of appeal by any non-Brahman, however high would be of any use. It will act as a stupe if the hon. Member Mr. Satyamurti will go and tell every one like that, viz., that they must do justice to these classes of people. That ought to be their duty and we express our inability to induce the non-Brahman Hindus to follow us (hear, hear), inability because all the non-Brahman Hindus are observing the Brahman religion and if we can go to the old Dravidian religion certainly that would be a good thing. We are converts to Brahmanism and we are kept down by them.

“ It was asked what the non-Brahmans did for the elevation of the depressed classes. Sir, I would ask what the condition was of these Panchamas before the non-Brahman movement was started and what their present-day condition is. Is it not the hon. the Raja of Panagal who assisted the great Dadabhoj in the Imperial Legislative Council when every Brahman opposed in that Council the depressed classes mission ? At that time it was the Raja of Panagal that came to their rescue. Then, Sir, when we took up the question of equality of all communities, what did we do ? We went to England where we fought for the rights of depressed communities. Then again, before Mr. M. C. Raja was appointed to the Council every child of

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the depressed classes was afraid of telling that he belonged to that community. After the nomination of a depressed class member, Mr. M. C. Raja into the Council, and after he became a representative of that depressed community, what is the position? Nobody is afraid now and instead of their being called lanchamas they are now called the Adi-Dravidas. They come forward and say that they belong to the Adi-Dravida community and they want scholarships . . . (A voice: A seat on the front Bench.) Yes, the time will come when the Adi-Dravida can claim a seat on the Treasury Benches. It is the non-Brahman and the non-Brahman alone that has awakened the consciousness of these classes of people to their rights."

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Rai Bahadur T. M. NARASIMHACHARLU:—"Mr. President, Sir, I wish I were a non-Brahman myself because on this question what I am going to say is likely to be misunderstood (A voice: Why?) I hope they will not misunderstand me because I happen to be a Brahman. Sir, several things against the Brahman have been said on the floor of this House that it is necessary for a Brahman of my type to stand up and say that all the bad things said against him have been said on account of ignorance. (Hear, hear.) I deliberately say that if anything has been said against the Brahman as a community of having had a hand in the depression of these classes, it is entirely due to ignorance. Now, Sir, my Friend, Dr. Natesa Mudaliyar has come out to-day with a cure for cobra bite. I think, Sir, he is a doctor himself and I take it that if a cobra bites . . ."

* The hon. the PRESIDENT:—"Order, order. The hon. Member (Mr. Natesa Mudaliyar) having withdrawn that expression I think I shall rule all cobras out of order." (Loud laughter.)

Rai Bahadur T. M. NARASIMHACHARLU:—"I am very glad; I shall not pursue the matter further. Now, Sir, I do not intend to bring heat into the discussion, because this is not a matter on which we can fight. All communities in India are agreed that the depressed classes should be raised, that in the past we have committed a certain amount of sin and that we should now atone for it, by trying to elevate them. (Hear, hear.) So far we are all agreed. But what is the method by which we can do it? It is suggested by some 'well, abuse the Brahman and ask the depressed classes to go into his house'. If that is the way of raising the depressed classes, the depressed classes themselves would say 'save us from our friends'. The only way to elevate them is to give them good education, to ask them to be very clean, to reform themselves from within, and not to enter into the parlours of Brahmins. That is the only way by which they can be raised. Sir, we as a class, of all the communities there may be exceptions here and there in refreshment rooms (laughter) and by that you should not conclude that the generality of Brahmins are so, we do not drink, we do not take any animal food, we do observe our bodily cleanliness and we also observe ceremonies, prayers and devotions. Well Sir, we object to our mixing with those who have got different habits; I do not say that their habits are bad, but what we do insist on is that those who differ from us may keep themselves aloof. There are caste Hindus some of whom are vegetarians."

Mr. C. RAMALINGA REDDI:—"May I ask my hon. Friend whether if the same argument was brought forward by the South African Whites in order to maintain their policy of segregation, my hon. Friend would be satisfied?"

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Rai Bahadur T. M. NARASIMHACHARLU :—" My hon Friend has travelled all over the world and therefore he knows better about those things. I now confine myself to the customs and habits of Indians in India. I am not in a position to answer the question of my hon Friend."

Mr. C. RAMALINGA REDDI :—" To avoid misunderstanding I refer only to the principle on which my hon. Friend justifies segregation. Suppose the South African Whites turned round and said 'Our habits are different, we do not claim superiority, but we claim separateness', will my hon. Friend be satisfied?"

Rai Bahadur T. M. NARASIMHACHARLU :—" Well, Sir, that requires a long explanation. If my hon. Friend will find some time outside the House, I am sure to convince him that his ideas are not quite correct."

Mr. C. RAMALINGA REDDI :—" Mr. President, may I say, Sir, I did not put forward any idea at all; I only put a question."

Rai Bahadur T. M. NARASIMHACHARLU :—" I do not know under what standing order it is." (Laughter)

* The hon. the PRESIDENT :—" The hon. Member is himself responsible for the interruption. If he had not given way I would not have given permission to Mr. C. Ramalinga Reddi to put the question."

Rai Bahadur T. M. NARASIMHACHARLU :—" To continue my argument, there are certain caste Hindus who are brought up in certain habits and there are depressed classes who use a particular kind of food which is not the food of other classes and have got certain customs which are not the customs of others. By a measure of this kind you want to revolutionize . . ."

* Mr. R. VEERIAN :—" I want to point out . . ."

* The hon. the PRESIDENT :—" Is the hon. Member rising to a point of order or to a point of personal explanation?"

* Mr. R. VEERIAN :—" Just by way of interruption." (Laughter.)

Rai Bahadur T. M. NARASIMHACHARLU :—" It is now sought to abolish these customs and habits by a mere stroke of the pen. I submit to you, Sir, that however much we may sympathize—there are many among my community who do really sympathise—I do advocate caution in this respect. Let us not try to revolutionize the existing customs and habits by a measure of this kind. And the Government which is an alien government—no doubt there is the transferred side which consists of our men as Ministers, but even they are the creatures of the alien Government—must be very cautious in allowing such reforms to be introduced all at once. As for those who very strongly and stoutly advocate these reforms here, I do not know how they are at home. Well, 'at home' is the province of the ladies, and they may say, 'Well, Sir, my ladies do not like this thing.' Well, Sir, are they prepared to inter-marry? I put a point-blank question. Are these gentlemen who stoutly champion the depressed classes to-day, are they themselves prepared to inter-marry?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" I rise to a point of order. Is the question of inter-marrage before the Council now? I thought it was the question of walking along the streets."

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Rai Bahadur T. M. NARASIMHACHARLU :—“ It is not only walking along the streets, but of drawing water from the same wells, going into the temples, as the hon. Member from Godavari said. If all these things are to be reformed to-day, I think there will be a revolution in the land. (Sir K. V. Reddi: Hear, hear.) I say the electorates which have sent these representatives here are far more orthodox than their representatives here. In matters of this kind, do not try to fight with one another by saying ‘I am for the depressed classes’ and then go home and be controlled by the ladies of the household. Tell the depressed classes ‘so far we are prepared to help you; you should reform from within, not by trying to go into every neighbour’s house or street or temple and molesting them.’ Peace and order is the first essential thing to any civilized community. Even among Panchamas there are different sects; there is a sect called Arundatyas or Madigas, and another sect called Adi-Dravidas or Malas. Are they all agreed? These two classes would not go to the same well to draw water. I told them as representative of the district board what is taking place in this Council, and they must have a common well. They say ‘we never authorize them to say

* Mr. R. VEERIAN :—“ The hon. Member says there are distinctions among the so-called depressed classes. Well, when there are distinctions existing even among the enlightened community . . . ”

* The hon. the PRESIDENT :—“ Order, order; that is hardly a matter of personal explanation.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ I hope you would give me the time that has been taken away by these interruptions. (Laughter.) That being the case, I ask first of all to make them agree that they will go to a common well, that they will go to a common temple in which they will jointly worship. Let them have inter-marriages. First make them do that; then it will be time to make them personally clean; make them devout and to observe proper ceremonies. In that way, when they have risen out of the present stage we can ask the other caste Hindus to go and mingle with them; and lastly, when all these have risen to the level of Brahmans, then we can be of one caste.

“ Well, Sir, I am a follower of Ramanuja and I shall be the first man, when they have raised themselves to this position of Brahmans (A voice: Greek Kalends) in point of cleanliness, abstaining from all animal food, from all kinds of drink, if they rise to that level, then it will be time that the Brahmans themselves will embrace these communities as belonging to the same order, same caste and worshipping the same God. Till then, it is our duty to assist every one to raise himself. But now the object of the other side is to depress Brahmans lower and lower. That is not the way to carry out reforms. It will be only a sort of aiming at a revolution. If you want peace in the country, if you want everyone to pursue his avocation in a peaceful manner, if you want that every man should worship in his own way and in his own home, unfettered by the religious beliefs of others, if you want to give that freedom to every person, I do think that it is not by saying ‘Let all the depressed classes enter into our temples and the agra-harams or into the sanctum sanctorum of Brahmans’. (A voice: Public streets.) They are not confined to public streets; they are extended to temples. The reform must come from within. Let them raise themselves

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first and then the time will come when we can all mingle together as one nation, as the souls of the one Supreme. Till then, Sir, I advocate caution and I am not opposed to it. I am opposed only to doing it rushing, hastily and violently, because this is an alien Government and therefore they should be cautious. If I care for good Government I must as in duty bound advise them that being aliens they are ignorant of our customs and habits; they have not sufficiently understood our feelings and our religious doctrines and therefore they should not take upon themselves the responsibility of making any enactments which will result in revolution and bloodshed in this land. So, Sir, I advocate caution."

* The hon. the PRESIDENT :—" Is the hon. Member opposing the Bill or is he in favour of it ? "

* Rai Bahadur T. M. NARASIMHACHARLU :—" You could have seen that I am opposing it. (Laughter.) Therefore let my remarks be taken as only an advocacy of caution. I submit again that it is too soon to think of any of these reforms. Let these persons elevate themselves and become equal to the rest."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Sir, first of all let me clear the ground by saying that I cannot agree with hon. Friends Dr. Natesa Mudaliyar and Sir K. V. Reddi when they said that we non-Brahmans of all classes are dominated by the Brahmans and that we are their slaves. I should certainly enter my strong protest against that characterisation of the position of the non-Brahmans of Southern India at any rate. Well, Sir, we have our own religion and our civilization and it has been our proud boast that we owed very little to the Aryans or to their religion. Such being the case it was a matter of surprise to me to hear the words that came from the mouth of such staunch non-Brahmans who want to stand for the rights of the non-Brahmans."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" A matter of personal explanation, Sir. What I was saying was that the domination of religion and priesthood created a slavish mentality in the non-Brahmans under which they are still suffering. We want their help even to rid us of it."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Even there the hon. Member is not right. As far as the Southern India is concerned, we have got our own religion."

Rao Bahadur C. NATESA MUDALIYAR :—" We are certainly dominated by Brahmans although we are revolting against it now by our movement. Will Mr. Ramalinga Chettiyar tell us that marriages in our houses can be performed without a Brahman ? "

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" Certainly, in several families among the high castes in the south marriages are performed without Brahmans."

Rao Bahadur C. NATESA MUDALIYAR :—" Very few, Sir." (Laughter.)

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" I am not prepared to admit that it is the Brahman that has been dominating over me and that if I have got any faults those faults are due to the Brahmans and their influence. In these matters it is very much better that we state the truth, admit how things stand in our own country and try honestly to get out of the deep waters into which we have consciously or unconsciously got. So

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far as the depressed classes are concerned, there is no doubt that the idea of segregation must have been borrowed from others. For, with my little knowledge of Tamil history I may say that it was the Brahman who was first kept aloof in a separate *cheri* (Laughter). There was in fact a *cheri* called *Parpanacheri*. The Brahman was the first person who was living separately like that because I suppose he was a stranger then. So far as the other things are concerned what brought them into existence it is not possible for us to go into at present and it is not possible for us to apportion the blame between the Brahmans and the non-Brahmans in a matter like this which has gone on for centuries and tens of centuries. So, it is better that we realize the position in which we are at present and then try to get out of it if we are honestly of opinion that we ought to get out of it. That seems to be the only thing we ought to consider and not deprecate ourselves by giving dominance to the Brahmans in the past or in the present or attribute everything good or evil in us to a particular community which probably might have been responsible for some good or some evil but not for all. What we are on now is again the public rights. We are not here legislating with reference to inter-marriage. We are not legislating here with reference to inviting a person into one's parlour and we are not legislating here permitting people to get into others' houses. Nothing of the sort. We are trying to legislate with reference to public rights. I think this House has every right as representing the political conscience of the Presidency to legislate with reference to the public rights. I will go further and say, if this House wants to interfere with other matters probably it will be wrong. Now, the Bill as brought forward by Mr. Veerian refers only to three matters, viz., the question of public roads, the question of public wells and the question of public markets. In all these matters public moneys have been spent and public bodies are in charge of them. We are now asked to legislate and provide for the administration of these matters and nothing more and, therefore, other matters such as social laws, religion, personal cleanliness and other things do not arise at all. Such being the case, I submit that we representing the public ought to deal justly with every portion of the public. We have absolutely no right whatever to put any portion of the public in an inferior position to other portion or portions. We now find that certain portions of the public are not getting justice at our hands although they are entitled to it. They are put in an inferior position to the rest and we are now asked to provide for removing those disabilities and placing them on a par with the rest. We are not asked to treat them preferentially and we are not asked to give them any special privileges. We are only asked to treat this particular class in the same way in which other classes of people are treated. To this there can be absolutely no objection. (Mr. Veerian : Hear, hear.) No doubt the wording of the Bill as drafted might probably require some looking into because it is an amending Bill. If it is an original Bill it should be carefully scrutinized and discussed before it is referred to a Select Committee. Now, we have to consider the effect of the proposals now made on the other sections of the Act. We have to consider two Bills which have been brought forward by two different members. We have to consider all these various aspects and change their wording as necessary. It is for that purpose I presume that the two Bills are going to the Select Committee and not for the consideration of the principles involved in them. So I have great pleasure in supporting this measure and in its reference to the Select

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Committee. In doing so I would earnestly request both sides of the House not to go into irrelevant matters and unnecessarily create heat."

* Mr. R. VEERIAN :—" Sir, as I think there is the support of this House to my Bill I do not want to make any reply."

The motion that the Bill be read in Council was put and carried.

The Secretary then read the title of the Bill.

* Mr. R. VEERIAN :—" Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following hon. Members :—

The hon. the Raja of Panagal,
Rai Bahadur Sir K. Venkatareddi Nayudu,
Mr. S. Satyamurti,
Mr. A. Ramaswami Mudaliyar,
Rao Bahadur T. A. Ramalinga Chettiyar,
Rao Sahib R. Srinivasan,
Mr. A. Chidambara Nadar,
The hon. the Advocate-General,
Mr. T. M. Moidu Sahib,
Mr. J. A. Saldanha,
The Zamindar of Kallikota,
Mr. T. Adinarayana Chittiyar,
Diwan Bahadur M. Krisnan Nayar,
Rao Bahadur M. C. Raja, and
The Mover."

Mr. J. A. SALDANHA :—" I second it."

The motion was put and carried.

A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

* Mr. S. SATYAMURTI :—" I move for leave to introduce a Bill to amend the Madras City Municipal Act, 1919."

* The hon. the RAJA OF PANAGAL :—" Sir, I oppose it."

* The hon. the PRESIDENT :—" Will Mr. Satyamurti make a statement ?"

* Mr. S. SATYAMURTI :—" Sir, with your leave and with the leave of the House, I shall just read my brief Statement of Objects and Reasons in support of this Bill.

"It is essential in the interest of the efficient discharge of duties cast upon it by the Madras City Municipal Act by the Corporation that the Commissioner and the Chief Executive Officer should be appointed by, removable by, and solely responsible to the Council of the Corporation and nobody else. This is the system which obtains in Calcutta. Moreover, the Commissioner has got statutory powers vested in him by the Madras City Municipal Act for the discharge of which the chief executive officer should be an officer directly and wholly responsible to the Corporation.

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"Further, section 23 vests the municipal government of the city in the Council which must therefore have the right to choose its own chief executive officer. Lastly, the finances of the Corporation are such that it cannot afford to pay the Commissioner more than Rs. 1,000 a month. Hence this Bill.

"Mr. President, Sir, after reading the explanatory statement on behalf of my Bill, I want to begin by referring to that parliamentary practice by which my hon. Friend from Chingleput swore on another occasion. I may say, Mr. President, without fear of contradiction, that in the House of Commons, the Mother of Parliaments as we call it, the first reading of Bills is rarely opposed, and I may also inform this House that in the Indian Legislative Assembly, by common agreement, a convention has been established by which first readings of Bills are rarely opposed, either by the Government or by the Opposition. I had hoped therefore that my hon. Friend's researches into parliamentary practice would be on the beneficial side, towards extending the rights of this House and not on the other side. But, Mr. President, he enunciated a very strange proposition that private Bills ought to be introduced only by the authorities concerned, or at least with their consent, and that since this is a private Bill this ought to be introduced by the Corporation or with its consent. I am surprised, Sir, at his ignorance. This is not a private Bill as contemplated in the House of Commons procedure. The Madras Corporation is not a private body. It is a statutory body and a quasi-Government body, which is given grants by the Government, which is controlled by the Government and for the responsibility of the administration of which the hon. the Minister is responsible. He makes nominations to that body. He makes grants to that body. Therefore, I suggest this is not a private Bill.

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"A private Bill in England appears to deal prominently with a statutory corporation constituted for a certain definite purpose. The Corporation of Madras is undoubtedly a Corporation, but it has to function as an agent for the Government of Madras for the municipal administration of the Madras City and so long as that function continues, I submit this Bill will not come under the category of private Bills. Mr. President, this is what Mr. May says in his 'Parliamentary Practice'

'A Bill relating to a city is usually held to be a private Bill. But, owing to the large area, the number of parishes, the vast population, and the variety of interests concerned, Bills which affect the entire metropolis have, as a rule, been regarded as measures of public policy rather than of local interest; and although a Bill affecting the metropolis generally is not necessarily introduced as a public Bill, such Bills have usually been so introduced and have either proceeded throughout as public Bills or been dealt with as hybrid Bills.'

I suggest, Mr. President, that this is a public Bill, that the Corporation has no right of initiation in this matter, and that we are entitled to introduce this Bill. On the merits of the Bill I agree with my hon. Friend from Chingleput that before this House finally passes it, it ought to consult the Corporation. I say that there will be innumerable opportunities for doing so, because if the first reading is granted, the Bill will be published in the Gazette and the Corporation and other bodies and other individuals will be invited to give their opinions on this measure. Moreover, when I ask for leave a second time and when the Select Committee is appointed, the Bill can be examined by that Committee or by somebody else, before this House finally passes it, with or without further amendments. Sir, these are the various stages at which opinions can be invited on this measure.

14th December 1925] [Mr. S. Satyamurti]

But I can understand one objection to this Bill namely, that the chief executive officer of the Corporation ought not to be the sport of the electioneering chances of the members of the Corporation, who might be party politicians. Even the election to your high office depends upon the vote of this House, and to say that the Corporation, because it is a deliberative body, cannot have the right of appointing its chief executive officer, seems to me to be going too far. It is possible that the Corporation may make mistakes; in appointing its chief executive officer they may have a party man purely with a party label, apart from the fact whether he is efficient in discharging his duties or not. But may I remind the hon. Minister for Local Self-Government that he is there as Minister, not because the British Cabinet thought that he is the fittest man to occupy the post but because they wanted that democracy should be introduced? Democracy ought to make mistakes, suffer by them and thus learn to end them. Assuming that the Corporation may make mistakes in the beginning, I do urge that it ought to be given the right to make mistakes, suffer by them and then to correct itself. The hon. the Raja of Panagal, replying to one of my hon. Friends, said that he must protect these district boards and local bodies against themselves lest they should come to a position when they may have to close down. That is the argument of the Mabap. That is an argument which I have heard from Lord Birkenhead in the House of Lords when he said that 'We cannot allow India to govern herself'. I do sincerely trust the hon. the Minister who is there because he believes in democracy or is supposed to believe in democracy will revise his opinion that democratic bodies such as the Corporation cannot be trusted to exercise this power.

"There is one more clause of the Bill to which I would like to draw the attention of the House. I want that the salary of the Commissioner should be fixed at Rs. 1,000 per month. Sir, there is a history behind this question. The Corporation passed a resolution recently that the salary of the Commissioner ought not to be more than Rs. 2,000 and yet the Government fixed it at Rs. 2,500 a month. That is the way in which they have been looking to the finances of the Corporation. Sir, I am one of those who believe that considering the poverty of our country, no officer, however high placed he may be, should be allowed to draw more than Rs. 1,000 a month, and if we cannot have these paragons of administration for that salary we shall rather not have their services. We must cut our coat according to the cloth.

"Sir, these are the two principles on which I am asking for leave to introduce the Bill, and I do appeal to the hon. the Minister and his friends to establish a healthy precedent by enabling me to introduce the Bill for the first time. I am asking for no more. I submit I am entitled to no less."

The hon. the RAJA OF PANAGAL:—"The hon. the Mover of the motion has pointed out that in Calcutta the Commissioner of the Corporation is appointed by the Corporation. He seems to forget that in Bombay the Commissioner is appointed by the Governor-in-Council. So is the case in Karachi.

"Coming to the relative advantages of having the Commissioner appointed by the Corporation and by the Government, I must say that it would not be fair to allow the Commissioner, the chief executive head of the Corporation, to be made dependent on the whims and fancies of the

[The Raja of Panagal]

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members of the Corporation. If the executive head has to depend upon the Council or the Corporation for his prospects and pay, I do not think he will be in a position to discharge his duties with impartiality and efficiency.

"Coming to the question that the Corporation is led by parties, I must submit that even if it is not led at the moment by parties, it is quite likely to be led by parties in the near future. In the case of Home Government, there public servants are appointed by the Public Services Commission, and not by party men. That being so, I cannot understand how my hon. Friend, the Member for the University, advocates the cause that the Commissioner should be appointed by the Corporation itself. Even in the most enlightened democracy appointments are not made by Parliament or by the Ministry, but by a Staff Selection Board."

Mr. S. SATYAMURTI :—" May I ask the hon. the Minister if he is prepared to divest himself of this power and entrust it to a Public Service Commission ? "

The hon. the RAJA OF PANAGAL :—" Certainly. When the Commission is constituted it would be for the Commission to make these appointments. Sir, for these reasons I oppose this motion."

Mr. R. MADANAGOPAL NAYUDU :—" Sir, may I state that this matter is also receiving the attention of a Committee which has been appointed for the purpose ? That Committee has not definitely resolved upon this matter. As far as I can see, probably they may make recommendations similar to the one which has been made just now by my hon. Friend, Mr. Satyamurti. I therefore feel there is no urgency about this matter.

"There is one other matter which my hon. Friend, Mr. Satyamurti, has not taken account of, namely, that the salaries of two other officers of the Corporation, according to the Act, are above Rs 1,000, and if you fix the salary of the Commissioner at Rs. 1,000, it means that he will have to draw a salary which would be less than the salaries of the other two officers. I do not think that it is fair to fix the salary of the executive head at a figure lower than those which his subordinates are getting, nor do I think that it is the intention of my hon. Friend, Mr. Satyamurti. The question of revising the salary of the Commissioner will receive the attention of this House, and since the whole matter is under consideration of that Committee I feel that we need not have this Bill introduced at present."

Mr. C. RAMALINGA REDDI :—" I do not wish to take up much of the time of the House, nor do I wish to go into the merits of this Bill just at present. I should like to know why the hon. Minister wants to oppose the motion for leave to introduce this Bill. He can be sure that the House will have an opportunity of going into the Bill and only after a full dress debate the Bill will be referred to a Select Committee."

* The hon. the RAJA OF PANAGAL :—" Only two objects have been mentioned for the introduction of this Bill. One is that the appointment of the Commissioner should be made by the Corporation. The other is the revision of the salary of the Commissioner. So there is no question of the House having to look into the matter any further. Therefore to allow the Bill to reach the first reading stage would mean a mere waste of time."

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Mr. C. RAMALINGA REDDI :—" I rather fancy that my hon. Friend the Raja of Panagal has drawn only one conclusion, namely, that soon after a motion for leave to introduce a Bill is made, it will automatically go to the Select Committee for its investigation. Let me assure him that this is only a motion for leave to introduce."

* The hon. the **RAJA OF PANAGAL** :—" Even if it is a motion for leave to introduce, another hour will be wasted before it reaches the first reading stage."

Mr. C. RAMALINGA REDDI :—" If my hon. Friend will not consult the courtesy of hon. Members on this side of the House and listen to what they have to say on the subject, then it is impossible to think that he shows any courtesy to them, and he knows perfectly well that it is a great departure from the general code of Parliamentary procedure."

* The hon. the **RAJA OF PANAGAL** :—" I did not intend any discourtesy at all. I do not want to be understood that I am discourteous to any one in this House. But in this case I do not think any further consideration of the question is necessary. We were allowing such Bills to be permitted to be introduced on the ground that the Bill had not been published and that the members had not had a chance of knowing what the contents of the Bill were. But in this case the contents of the Bill are well known to hon. Members and there is no necessity why we should waste further time by allowing the Bill to reach the first stage."

Mr. C. RAMALINGA REDDI :—" I am glad that my hon. Friend did not intend any discourtesy. May I remind him that the motion of my hon. Friend, Mr. Sami Venkatachalam Chetti, is far more complicated than the one which my hon. Friend Mr. Satyamurti has introduced? My appeal to him is to follow the Parliamentary procedure, allow this motion for leave to introduce, and to take up the consideration of the merits of the question at the next stage which is appropriately the only stage of consideration. This motion is only for leave to introduce. We are asking this Council to permit us to place a certain matter before it for its consideration. If you say 'no, we will not consider your motion', then I ask what constitutes constitutional courtesy. I am only pleading for the adoption of certain conventions which obtain in other democratic assemblies so that our proceedings may, in some measure and to a large extent, be in keeping with both courtesy as well as dignity."

The motion for leave to introduce was put and declared lost.

Mr. Satyamurti demanded a poll which was taken and the House divided as follows :—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 10. Mr. T. Adinarayana Chettiyar. |
| 2. Mr. C. Ramalinga Reddi. | 11. " P. Anjaneyulu. |
| 3. Rao Bahadur A. S. Krishna Rao Pantulu. | 12. " G. Rameswara Rao. |
| 4. " T. A. Ramalinga Chetti- | 13. " K. Uppi Sahib. |
| yar. | 14. " C. V. Venkataramana Ayyangar. |
| 5. Mr. J. A. Saldanha. | 15. " B. Venkataratnam. |
| 6. " P. Siva Rao. | 16. Rai Bahadur T. M. Narasimhaachari. |
| 7. " A. Ranganatha Mudaliyar. | 17. Mr. M. R. Seturathnam Ayyar. |
| 8. " S. Muttayya Mudaliyar. | 18. " M. Sitayya. |
| 9. " S. Satyamurti. | 19. " R. Srinivasa Ayyangar. |

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Noes.

- | | |
|---|--|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 19. Rao Bahadur K. Krishnaswami Nayudu. |
| 2. „ Mr. N. E. Marjoribanks. | 20. Mr. J. Kuppuswami. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 21. „ K. Madanagopal Nayudu. |
| 4. „ Mr. T. E. Noir. | 22. Honorary Lieutenant Madurai. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 23. Mr. T. Mallesappa. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 24. „ B. Muniswami Nayudu. |
| 7. „ the Raja of Panagal. | 25. „ C. Muttayya Mudaliyar. |
| 8. Mr. G. T. Boag. | 26. „ K. S. Ponnuswami Pillai. |
| 9. „ Muhammad Abdulla Ghutala Sahib | 27. „ K. Prabhakaran Tampam. |
| 10. „ S. Arpudaswami Udayar. | 28. „ B. Ramachandra Reddi. |
| 11. Sir K. Venkatarreddi Nayudu. | 29. The Raja of Kannad. |
| 12. Rao Bahadur C. Natesa Mudaliyar. | 30. Mr. P. T. Rajan. |
| 13. Mr. A. Ramaswami Mudaliyar. | 31. „ P. Sagaiam. |
| 14. Diwan Bahadur P. C. Ethirajulu Nayudu. | 32. „ J. D. Samuel. |
| 15. Mr. N. Devendrudu. | 33. „ R. Veerian. |
| 16. Rao Sahib P. V. Gopalan. | 34. „ K. Venkatchala Padayachi. |
| 17. Mr. L. C. Guruswami. | 35. Khan Bahadur P. Khulif-ul-lah Sahib Bahadur. |
| 18. The Zamindar of Kallikota. | 35. Mr. T. M. Moidu Sahib. |

19 hon. Members voted *for* the motion and 36 *against*.

The motion was lost.

The House adjourned to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 974 asked by Diwan Bahadur P. C. Ethirajulu Nayudu at the meeting of the Legislative Council held on the 14th December 1925, page 13 supra.]

Reports of the Chief Engineer for Irrigation.

(i)

Letter from P. HAWKINS, Esq., M.INST. C.E., Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated Madras, the 18th August 1925, No. 2040/25 A-1.

I have the honour to submit herewith the estimates and financial and revenue statements together with a map of the Bellary West Canal project for sanction.

ENCLOSURE

The Bellary district is included in the famine zone of the Ceded districts where famine is of frequent occurrence and scarcity is almost perennial. This area is deficient in rainfall, and owing to the physical conditions the

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prospect of smaller local projects are poor. The conditions have been carefully examined and various local schemes have been considered, but such schemes are liable to failure because their catchments lie in the areas of deficient rainfall and they are therefore affected by the meteorological conditions which they are required to provide against, and fail when they are most needed. There is therefore little hope of effectively remedying the existing conditions in these areas except by means of projects which will rely for their supplies upon catchments outside the area of deficient rainfall. The sources available are the Kistna and Tungabhadra rivers in which there are large supplies of surplus water which is at present being wasted. Proposals for storage on these rivers have been under consideration from time to time for many years. The proposals for a storage reservoir on the Kistna river at Sangameswaram, one of several sites which have been considered in the past, are at present held up pending the successful issue of negotiations with the Hyderabad Government for the acquisition of the area in Hyderabad territory which will be submerged. The project for a reservoir on the Tungabhadra which was prepared by Mr. Mackenzie was recast and revised last year in an attempt to make a project at this site financially possible but owing to the rise in the rates for works since the project was framed, and other causes, this was found to be impossible. Moreover this project would submerge Hyderabad territory and cause the same difficulties as arose in the case of the Kistna project. The possibility of a storage reservoir higher up the river in Bombay territory, by arrangement with the Bombay Government is now under consideration and the prospects are promising.

A small project for the extension of the Basavannah channel from the Tungabhadra was sanctioned recently and is now under execution.

The project now submitted to Government is for a channel 91 miles long taking off from an anicut to be constructed on the Tungabhadra at Harivibasapuram, where there is an excellent and economical site with rock foundations. The project was taken up for preliminary investigation in 1924, but the investigation was stopped shortly after as funds were not available. It was taken up again last January and has now been completed. The channel will command 79,320 acres out of which 63,108 acres are classed as irrigable. The area assumed to be irrigated is 58,200 acres of wet crop, i.e., 50,035 acres in the Hadagalli taluk and 8,165 acres in the Hospet taluk, in Bellary district. The soil is almost entirely red loam and is fertile and entirely suited to wet crops. The area is ryotwari. The principal crop grown in the area at present is cholam, with a little paddy and wheat under a few small tanks.

The project provides for rice—single crop—June to November.

There is one important tank in the area, the Narayanadevarakeri tank, which, with a supply from the project, will grow about 2,000 acres of sugarcane.

When a storage project materialises, a second crop can be grown over the area of the project without any additional works.

The area is well served by roads and cart-tracks and there are existing markets.

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The irrigated areas have been verified by the Revenue Department.

	Rs.
The estimate for works, establishment and tools and plant amounts to	86,55,000
Indirect charges	3,38,000
Total	<u>89,93,000</u>

The water-rate proposed is Rs. 14 per acre.

Net revenue realized Rs. 7,53,295, after deducting maintenance charges at Re. 1 per acre and collection charges at 5 per cent.

The net return will be 8.38 per cent.

The value of crops produced annually will be about Rs. 50 lakhs.

The period allowed for construction is 5 years and it is assumed that irrigation will commence in the 4th year and be fully developed by the 10th year. Interest on the sum at charge will be covered in the 8th year with a net profit in that year of Rs. 28,207. In view of the demand and local conditions this is a safe estimate.

The area to be irrigated is indicated in the accompanying map.

The estimates have been prepared on a liberal basis with liberal provisions for works and "unforeseen", and considerable savings are anticipated.

This project offers the unusual prospect of a highly remunerative project in the famine zone and early sanction and execution is therefore recommended.

Condensed abstract of cost.

Serial number.	Departmental head.	Amount of estimate.
A. Direct charges—		
		Rs.
1.	Works	77,12,000
2.	Establishment 13 per cent on 1	9,54,700
3.	Tools and plant ordinary 2 per cent on works excluding special tools and plant	1,46,800
4.	Suspense	25,000
5.	Receipts on capital accounts	— 1,83,500
Total A. Direct charges		<u>86,55,000</u>
B. Indirect charges—		
6.	Abatement of land revenue	1,31,250
7.	Leave and pension allowances 14 per cent on establishment	1,33,350
8.	Audit and accounts 1 per cent on works	73,400
Total B. Indirect charges		<u>3,38,000</u>
Grand total		<u>89,93,000</u>

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(ii)

Letter from P. HAWKINS, Esq., M.INST.C.E., Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated Madras, the 24th August 1925, No 1969/25-A-2.

[Bellary West Canal project.]

In continuation of my No. 2040/25-A-1, dated 18th August 1925, forwarding the estimates for the Bellary West Canal project, I have the honour to forward herewith copy of letter C. No. 4587/25-B-4, dated 20th August 1925, from the Collector of Bellary, with whom I have been discussing the matter. I send also two revised financial and revenue statements which show that assuming full development in five years after completion the project will pay 8.19 per cent allowing for graduated rates as proposed by the Collector; or, assuming full development in four years after completion, it will pay 8.38 per cent.

With the inducement offered by the graduated rates the latter assumption does not appear unduly sanguine.

ENCLOSURES

(1)

Letter from A. C. DUFF, Esq., I.C.S., Collector of Bellary, to the Chief Engineer for Irrigation, dated the 20th August 1925, Ref C. No. 4587/25-B-4.

[Subject—Irrigation—Major—Bellary district—Bellary West Canal project—Your demi-official dated 14th August 1925.]

The proposed maximum wet rate for single crops Rs. 14 (if 2 crops or a duffasal crop is raised the rate will be 14 + 7) will to my knowledge be less than the rates paid in the Nizam's Dominions where I found rates totalling Rs 32 or 33 and that when there were no proper regulators on sluices I think we can therefore justifiably levy water-rate of Rs. 14 per acre over and above existing settlement dry rates. But these rates must somehow be graduated and in order to secure the maximum area under cultivation at as early a date as possible I suggest that we should introduce progressive rates. The ryots will have to spend money in the first year to make their lands fit for wet cultivation. To attract them to do so, I suggest the following scale of rates:—

						Rs.
First year	...	...	...	...	...	10
Second „	...	...	...	...	...	11
Third „	...	...	...	...	...	12
Fourth „	...	...	...	...	...	13
Fifth „	...	...	...	...	...	14 full rates.

By this means I believe we shall be able to reduce the period for full development from 7 to 5 years after completion. This scheme is of course tentative but could, I think, be worked.

[14th December 1925]

(2)

Statement of net financial results of ten years after the probable
date of the completion of works.

Year.	Direct capital outlay during the year.	Direct capital outlay at the end of the year.	Simple interest at 6 per cent on the capital outlay to the end of the previous year plus half the outlay during the year.	Net revenue including enhanced land revenue.	Simple interest less net revenue.	Net revenue less simple interest.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	RS.	RS.	RS.	RS.	RS.	RS.
1st year ..	9,95,600	9,95,600	29,868	..	29,868	..
2nd „ ..	17,70,900	27,66,500	1,12,863	..	1,12,863	..
3rd „ ..	22,35,600	50,01,500	2,33,040	..	2,33,040	..
4th „ ..	22,67,500	72,69,000	3,08,115	85,146	2,22,969	..
5th „ ..	13,86,000	86,55,000	4,77,720	1,42,145	3,35,575	..
6th „ ..	..	..	5,19,300	2,23,671	2,96,629	..
7th „ ..	..	..	5,19,300	3,37,584	1,41,716	..
8th „ ..	..	..	5,19,300	4,71,684	47,616	..
9th „ ..	..	..	5,19,300	5,82,511	..	63,211
10th „ ..	..	..	5,19,300	6,71,311	..	1,52,011
11th „ ..	..	..	5,19,300	7,08,413	..	1,87,113
12th „ ..	..	..	5,19,300	7,31,778	..	2,12,478
13th „ ..	..	..	5,19,300	7,47,406	..	2,28,106
14th „ ..	..	..	5,19,300	7,63,295	..	2,33,995
15th „ ..	..	..	5,19,300	7,63,295	..	2,33,995
			64,14,606	62,06,239	15,19,278	13,10,909
			2,08,367		2,08,367	

Total direct charges	RS. 86,55,000
Indirect charges	3,88,000
Arrears of simple interest	2,08,367

Total "sum at charge" .. 92,01,367

Net revenue realized .. 7,53,295 which represents a return of 8.19 per cent on the "sum at charge."

Note.—This is for the full amount to be brought into cultivation after seven years commencing from the fourth year of construction.

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(3)

Statement of net financial results of ten years after the probable date of the completion of works.

Year.	Direct capital outlay during the year.	Direct capital outlay at the end of the year.	Simple interest at 6 per cent on the capital outlay of the previous year plus half the outlay of the present year.	Net revenue including enhanced land revenue.	Simple interest less net revenue.	Net revenue less simple interest.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	RS.	RS.	RS.	RS.	RS.	RS.
1st year ..	9,95,800	9,95,800	29,868	..	29,868	..
2nd „ ..	17,70,900	27,66,600	1,12,863	..	1,12,863	..
3rd „ ..	22,31,000	50,01,600	2,33,040	..	2,33,040	..
4th „ ..	22,67,500	72,69,000	3,68,115	85,146	2,82,969	..
5th „ ..	13,86,000	86,55,000	4,77,720	1,59,145	3,18,575	..
6th „ ..	..	..	5,19,300	2,59,571	2,59,729	..
7th „ ..	..	..	5,19,300	3,85,784	1,33,516	..
8th „ ..	..	..	5,19,300	5,31,184	..	11,884
9th „ ..	..	..	5,19,300	6,62,310	..	1,33,010
10th „ ..	..	..	5,19,300	6,92,400	..	1,73,100
11th „ ..	..	..	5,19,300	7,21,703	..	2,04,403
12th „ ..	..	..	5,19,300	7,44,318	..	2,25,018
13th „ ..	..	..	5,19,300	7,53,295	..	2,33,995
14th „ ..	..	..	5,19,300	7,53,295	..	2,33,995
15th „ ..	..	..	5,19,300	7,53,295	..	2,33,995
			64,14,606	64,93,116	13,70,560	14,49,400

	RS.
Direct charges	86,55,000
Indirect charges	3,38,000
Arrears of simple interest	Nil.

∴ Total "sum at charge" .. 89,93,000
 Net revenue realized .. 7,53,295 which represents a
 return of 8·38 per
 cent on the "sum at charge."

Note.—Full growth of irrigation in six years after commencement.

(iii)

Letter from P. HAWKINS, Esq., M.INST.C.E., Chief Engineer for Irrigation, to the Secretary to Government, Public Works Department, dated Madras, the 5th August 1925, No. 2591, 9-B-1.

[Upper and Lower Bhavani Projects.]

I have the honour to submit herewith, for the sanction of whichever project is preferred by Government, two estimates for an Upper and a Lower Bhavani Projects, together with the financial and revenue statements, programme and map showing the proposed irrigated areas. Plans are retained pending the decision of Government.

[14th December 1925]

ENCLOSURES

BHAVANI IRRIGATION PROJECTS.

REPORT.

Brief history.

The possibilities of storage in the Bhavani river have been considered from time to time for many years. In 1905 a survey party with Mr. Arogyaswami Mudaliyar, then Executive Engineer, in charge under the orders of the Chief Engineer for Irrigation was formed to prepare the necessary surveys and information for the two alternative projects, one for a storage reservoir on the Upper Bhavani and the other for a reservoir on the Lower Bhavani.

2. In 1906 Mr. C. A. Innes was appointed as Special Revenue Officer to investigate the revenue side of these two proposals. His report, dated 23rd October 1906, is with the Proceedings of the Board of Revenue No. 140, dated 6th May 1907.

3. In 1908 the proposals were discussed by the Chief Engineer for Irrigation and the Inspector-General of Irrigation and it was then decided to proceed with the investigation of the Lower Bhavani Reservoir, with an extended area of wet irrigation. What transpired at the discussion and the reasons why the Lower Bhavani was selected are not on record, but it appears to have been due to a preference on the part of the Madras officers for a wet project on the ground of the apparently greater certainty of its prospects as compared with those of a dry project, in view of the low water-rates then in vogue. A revised revenue forecast for the Lower Bhavani Project was obtained from the Board of Revenue in B.P. No 3839, dated 3rd October 1908.

4. The papers were then sent to Mr. (now Sir) H. T. Keeling, then Executive Engineer, Coimbatore, who drew up a general scheme of construction and reported on the rates, etc., in 1910. But the then Chief Engineer for Irrigation then decided that the project should await further developments in connexion with the Mettur Project. The papers were then recorded in the Chief Engineer's office.

Present proposals.

5. These projects were taken up again for reconsideration last year. The accurate gaugings which have been taken over a long term of years in connexion with the Cauvery-Mysore case have proved that there is ample supply for a storage reservoir on the Bhavani in addition to the Mettur Reservoir. The original proposals have been examined and recast and the estimates for the following works are now submitted.

6. The positions of the reservoirs and the areas commanded have been marked on the tracings of the original map prepared by the Executive Engineer on special duty (Mr. Arogyaswami Mudaliyar).

7. *Upper Bhavani Project.*—This consists in a double reservoir in the upper reaches of the Bhavani in Coimbatore district—with the main channels as marked on the map. The proposed areas are distributed by taluks as follows.

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UPPER BHAVANI PROJECT.

Statement of the irrigable area and the proposed ayacut.

Taluk	Area commanded.						Ayacut proposed.
	Occupied patta.	Unoccupied.	Inam.	Objectable poramboke.	Unobjectable poramboke.	Total irrigable area.	
	ACS.	ACS.	ACS.	ACS.	ACS.	ACS.	
							2ND CROP AUGUST TO NOVEMBER.
<i>Main channel.</i>							
Coimbatore ..	66,742 78	8,992 54	5,367 40	10,641 59	1,750 78	81,002 72	16,510
Palladam ..	107,258 90	2,514 35	10,460 67	12,352 87	706 57	120,233 92	24,820
Total ..	174,001 68	11,506 89	15,828 07	22,993 96	2,457 35	201,236 64	41,330
<i>Branch channel No. 1.</i>							
Coimbatore ..	66,210 07	6,451 62	4,391 43	9,522 99	571 47	77,053 12	15,730
Palladam ..	130,067 07	4,189 63	8,755 88	11,468 06	1,425 69	143,012 58	29,980
Satyamangalam ..	57,451 80	10 720 12	4 987 12	12,065 50	578 97	103,159 04	20,450
Erode ..	143,151 46	4,083 68	11,027 19	22,415 55	1,430 07	158,262 33	32,230
Total	426,880 40	25,445 05	29,161 62	55,472 40	4,000 20	481,487 07	98,440
<i>Branch channel No. 2.</i>							
Palladam ..	57,208 90	308 52	11,822 04	5,145 74	114 28	69,339 46	14,320
Dharapuram ..	107,091 49	398 99	32,657 15	11,174 49	116 01	140,147 64	28,810
Total	164,300 39	707 51	44,479 20	16,320 23	230 29	209,487 10	43,160
<i>Branch channel No. 3.</i>							
Pollachi ..	7,629 72	..	1,374 72	1,192 85	..	9,004 44	1,860
Palladam ..	35,681 45	96 18	5,898 26	3,560 60	..	41,575 89	8,070
Udamalpet ..	114,445 25	217 51	12,760 41	11,562 08	1,112 31	127,423 20	26,320
Dharapuram ..	116,579 59	2,021 77	21,299 78	19,753 35	4 10	193,201 14	40,810
Total ..	274,546 01	2,335 46	44,333 20	36,068 88	1,116 71	371,204 67	77,060
Grand total.	1,039,718 48	39,994 91	133,802 09	130,555 47	7,810 55	1,201,445 44	2,60,000

* Second crop—August to November.

Acres 160,000 first crop—April to July is also provided for.

8. The total irrigable area commanded is 1,268,415 acres; out of this it is assumed that only 33·2 per cent will be irrigated in any one year, i.e., first crop 160,000 acres and second crop 260,000 acres, total 420,000 acres. The financial statement has been worked out on the basis of a water-rate of Rs. 11-4-0 per acre which gives a return of 6·96 per cent on the sum at

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charge, assuming a programme of construction in ten years, with irrigation commencing from the sixth year. This is a conservative estimate and the final figure should be improved by accelerating the programme.

9. The total estimated cost of project is Rs. 4,87,85,000, the heavy expenditure occurring on the 4th, 5th, 6th and 7th years. The estimate has been prepared on a liberal basis with ample provision for unforeseen works and contingencies; and it is anticipated that the final accounts should show a considerable improvement on the figures now prepared. With regard to this project, attention is invited to Mr. Innes' report. The arguments adduced by Mr. Innes in favour of a dry project apply at the present time with as much or even greater force. The revenue figures upon which the present forecast is based provide for the irrigation of unlocalized areas 33·2 per cent of total irrigable area. An alternative method would be to localize certain areas as permanently irrigated and leave a balance for unlocalized area. The localized area would compound part of the annual rate by payment of a betterment fee which would secure permanent rights and would pay the balance as an annual rate. The balance of unlocalized area would pay a higher water-rate for water taken and would rank for supply after the localized area. There appears to be no doubt that, under this arrangement, the localized areas would pay a considerable betterment fee.

10. *Lower Bhavani Project.*—This provides for a reservoir on the Bhavani ten miles above Satyamangalam with channels as shown on the map. The total irrigable area commanded is 276,106 acres of which it is assumed that 40 per cent will be irrigated, i.e., first crop 110,000 acres and second crop maximum 60,000 acres distributed by taluks as follows.

LOWER BHAVANI PROJECT.

Statement of irrigable areas and the proposed ayacut.

Taluk.	Area commanded.			
	Occupied patta.	Unoccupied patta.	Inam	Objectionable poramboke.
(1)	(2)	(3)	(4)	(5)
Satyamangalam { Dry ..	ACS. 55,407·60	ACS. 3,855·42	ACS. 4,311·92	ACS. 7,628·14
	Wet .. 13,862·98	11·55	475·22	..
	Total .. 68,670·64	3,866·97	4,787·14	7,628·14
Bhavani { Dry ..	19,106·93	1,126·79	1,312·51	2,151·74
	Wet .. 126·69	..	10·41	..
	Total .. 19,233·62	1,126·79	1,352·98	2,151·74
Erode { Dry ..	147,765·56	3,609·55	16,672·61	23,616·82
	Wet .. 8,152·36	44·95	823·39	61·56
	Total .. 155,917·92	3,654·50	17,496·00	23,677·88
Grand total { Dry ..	222,280·15	8,591·76	22,327·07	33,396·20
	Wet .. 21,542·03	56·50	1,309·05	61·56
	Grand total .. 243,822·18	8,648·26	23,636·12	33,457·76

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Statement of irrigable areas and the proposed ayacut—*cont.*

Taluk.	Area commanded— <i>cont.</i>		Total irrigable area	Ayacut proposed wet.
	Tank-bed or unobjectionable poramboke.	Total.		
	(6)	(7)	(8)	(9)
Satyamangalam	Dry ..	ACS. 109.73	ACS. 71,312.87	ACS. 27,619
	Wet ..	..	13,749.75	..
	Total ..	109.73	85,062.62	..
Bhavani	Dry ..	244.00	23,972.00	9,372
	Wet ..	..	137.13	..
	Total ..	244.00	21,109.13	..
Erode	Dry ..	44.00	191,708.04	73,000
	Wet ..	..	9,082.26	..
	Total ..	44.00	200,790.30	..
Grand total	Dry ..	397.73	286,992.91	110,000
	Wet ..	..	22,969.14	..
	Grand total ..	397.73	309,962.05	110,000

11. The financial statement has been worked out on the basis of a water-rate of Rs. 13 per acre first crop and Rs. 6-8-0 per acre for second crop which gives a return of 6.94 per cent with a seven years' construction programme and irrigation commencing from the fourth year.

12. Here, as in the case of Upper Bhavani, there is the prospect of improving the financial forecast by accelerating the programme. The estimated cost of the project is Rs. 2,07,24,000, the heavy expenditure occurring in the third, fourth and fifth years. As in the case of the Upper Bhavani, the estimates have been prepared on a liberal basis and offer considerable scope for savings during construction. The duty provided for is an average of 71 for first crop and 60 for second crop. This low duty has been adopted for estimating purposes. There is no doubt, however, that a considerable extension of area over the area provided for will be feasible.

13. Financial results with a betterment fee have been worked out and are shown in the statements placed below. Thus, with a betterment fee of Rs. 20 per acre and a return of 6.95 per cent, the water-rates would be Rs. 11-14-0 for first crop and Rs. 5-15-0 for second crop. The estimated sum at charge would then be Rs. 1,89,00,647. With a betterment fee of Rs. 20 per acre and water-rates of Rs. 13 and Rs. 6-8-0 the return would be 7.78 per cent.

14. It will be seen that both these projects are directly productive. They are in fact exceptionally remunerative in direct returns even with water-rates which are very moderate on present day standards. One is alternative to the other; there is not sufficient water for both. They are submitted for the decision of Government as to which shall be adopted.

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15. As regards the arguments in favour of the Upper Bhavani 'dry' project there is little to add to Mr. Innes' report already referred to. As regards any element of uncertainty as to its results, sooner or later and the sooner the better, we shall have to undertake the 'dry' type of project in dealing with scarcity tracts such as the one covered by this project. If the opinions of local officers are of value it does not appear likely that the water will not be taken, especially over such a low proportion of the commanded area as 33·2 per cent in any one year. If there is still doubt about it we might try the localization system with a betterment fee as an additional safeguard.

16. As regards Lower Bhavani 'wet' project this involves less capital outlay but benefits a small area in comparison with much larger area benefitted by the Upper Project.

17. There is no doubt that either of these projects will prove a sound investment and I strongly recommend that the one selected be taken up for construction simultaneously with the Mettur project. This simultaneous construction will prove economical in many ways. One Engineer-in-chief can run both, and a certain amount of staff and plant will be interchangeable and will suffice for both projects.

4th August 1925.

P. HAWKINS.

APPENDIX II.

[Vide answer to question No. 990 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 14th December 1925, page 24 supra.]

List of classes or communities in the Madras Presidency members of which have been classified as 'criminal tribes'. The whole of these classes and communities have not been classified as criminal tribes but only portions which are addicted to crimes.

- | | | |
|-----------------------|----------------------|--------------------|
| 1. Amagunta Poligars. | 14. Kallars. | 27. Paidis. |
| 2. Ambalagars. | 15. Kaujar Bhats. | 28. Pamulas. |
| 3. Bhatta Turkas | 16. Karumbaravas | 29. Parayas. |
| 4. Boyas. | 17. Kouda Doras. | 30. Rellis. |
| 5. Budabukkalas. | 18. Korachas. | 31. Sugalis. |
| 6. Dandasias. | 19. Koravars | 32. Tottia Naiks. |
| 7. Dasaris. | 20. Kurnool Madigas. | 33. Uraligoundans. |
| 8. Dommaras. | 21. Kurnool Malas | 34. Valayars. |
| 9. Dombs. | 22. Maravars. | 35. Vettuvars. |
| 10. Iranis. | 23. Nakkalas. | 36. Woddars. |
| 11. Irulars. | 24. Nirshikaris. | 37. Yenadis. |
| 12. Jogulas (Jogis). | 25. Nokkars. | 38. Yerakalas. |
| 13. Kalingas. | 26. Padayachis. | |

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APPENDIX III.

[Vide answer to question No. 991 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 14th December 1925, page 25 *supra*.]

Copy of report from the District Magistrate, South Arcot.

The Adi-Dravidas of Nanjaimagattuvalkkai village complained to the Revenue Divisional Officer, Chidambaram, through the Secretary of their society, that they suffered immensely for want of drinking-water and that the caste ryots would not permit them to have access to the village tank. The petition was forwarded to the Stationary Sub-Magistrate, Chidambaram, and he enquired into the matter on the 20th March 1925. The caste ryots stated before him that they had been repairing the tank at their cost and enjoying its fish produce and that the Adi-Dravidas never took water from it. The karnam of the village, however, stated that the Adi-Dravidas would take water from the Khan Sahib's canal—an irrigation channel close by—for about ten months in the year and that for the remaining months when the channel was closed for repair they would take water from Vadakku chavadi pond half a mile off from the cheri and that he has seen them taking water from the pond in dispute at times though very rarely. He did not state that any Adi-Dravida women were assaulted by caste ryots while taking water from the pond. All these facts were reported by the Stationary Sub-Magistrate to the Revenue Divisional Officer who after ascertaining from the District Labour Officer that the construction of a well for Adi-Dravidas had been sanctioned by the Labour Commissioner, gave an endorsement to the petitioners that they had not till then used the water of the drinking-water pond and that a well would be constructed for the use of Adi-Dravidas in the usual course. A copy of the endorsement is enclosed, together with a copy of the Stationary Sub-Magistrate's report to the Revenue Divisional Officer, dated the 22nd March 1925.

2. The District Labour Officer, Chidambaram, reports that the Labour Commissioner visited the village and has decided to provide a separate pond for the Adi-Dravidas that the Labour Commissioner's report to Government was disposed of in G.O. No. 2596, Law (General), dated the 18th August 1925, and that steps are being taken by him to acquire the pond site.

*Copy of the report of the Stationary Sub-Magistrate, Chidambaram,
No. 65-M.S.C., dated 22nd March 1925.*

1. The caste Hindus of Panangadu say that they have been repairing the pond in their village-site poramboke at their cost, that its fish produce is also being enjoyed by them and not leased out by the taluk board, that Adi-Dravidas never used to take water from it and that if its use by them is insisted they will have to make other arrangements.

2. The karnam states that a well was sunk for the cheri by Government, that it is also marked in the survey map, that it is now in disrepair and that the District Labour Officer who obtained a sketch of a site for sinking a well near the cheri does not appear to have passed orders. He adds that during summer when the Khan Sahib's channel is closed the Adi-Dravidas have to go about half a mile and bring water from a pond in Vadakkuchavadi attached to Tillaividangan and that the distance from the cheri to the pond in Panangadu would be about a furlong.

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3. The population of the cheri is said to be 845 and it is desirable that such a big cheri should have a drinking-water source near it. There is already a well in existence and its repair or the sinking of a new well may be ordered. However the Panangadu caste Hindus cannot prohibit the Adi-Dravidas from taking water from the pond in village-site poramboke according to G.O. No. 2660, L. & M., dated the 25th September 1924.

Endorsement of the Revenue Divisional Officer, Chidambaram, on the petition of the Adi-Dravidas of Nanjaimagattuwalkkai, Chidambaram taluk, requesting that they may be permitted to take drinking-water from the pond in the village-site poramboke of Panangadu, hamlet of Nanjaimagattuwalkkai.

The petitioners are informed that records of enquiry go to show that they have not so far used the water of the drinking-water pond and that the caste Hindus have not also prohibited them from doing so. The sinking of a well for the petitioners is also said to have been sanctioned by the Labour Commissioner.

APPENDIX IV.

[Vide answer to question No. 1002 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 14th December 1925, page 34 supra.]

LOCAL AND MUNICIPAL DEPARTMENT.

(1)

Proceedings of the first meeting of the Road Board, Fort St. George, dated the 7th March 1921

PRESENT—Ten members.

Item I.

Whether the draft rules* require modification.

Resolution.

Recommended that

- (1) The personnel of the Board be increased by the addition of
 - (a) President, District Board, Trichinopoly.
 - (b) Do. Chingleput.
 - (c) Do Kistna.
 - (d) A representative nominated by the South Indian Motor Union.

The question of appointing District Board Engineers and Superintending Engineers as members of the Board should lie over.

The Board also recommends that the Chief Engineer should be appointed President.

(2) In rule 3 for 'month' read 'quarter'.

(3) A rule should be added permitting any member of the Road Board to depute a representative to attend a meeting of the Board when he cannot attend himself.

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- (4) In rule 6 'fifteen days' be read for 'one week'.
- (5) In rule 10 'twenty-one' be read for 'fifteen'.
- (6) To rule 10 be added 'The President may however bring before the Board any matter which he considers urgent without notice being given'.
- (7) The words 'and chairman' be added at end of rule 13.
- (8) After rule 13 *add* 'copies of the proceedings shall be printed and circulated to members of the Board'.
- (9) In rule 16 *omit* 'number of' between 'such' and 'persons'.

Item II.

In what way can the interests of various district boards be best represented?

Resolution.

Recommended that district boards should be consulted directly by the Secretary to the Road Board; also that a statutory rule be framed requiring local bodies to supply such information and to give such assistance as the Road Board may require. The Board is of opinion that committees need not be formed at present to examine the list of subjects which should be printed.

ANNEXURE

RULES.

Rules for regulating the functions and procedure of the Road Board, Madras.

The Road Board shall consist—

- (1) A President.
- (2) The Secretary to Government, Ministry of Local Self-Government.
- (3) The Chief Engineer.
- (4) The Director of Industries.
- (5) A Nominee of the Madras Chamber of Commerce.
- (6) A Nominee of the South Indian Chamber of Commerce.
- (7) A Nominee of the Trades Association.
- (8) A Military Officer.
- (9) The President of the Cuddapah District Board.
- (10) " Malabar "
- (11) " Ramnad "
- (12) " Vizagapatam "

2. The President of the Board shall be appointed by the Ministry and the Secretary, Ministry of Local Self-Government, shall act as its Secretary. The non-official members of the Board shall hold office for two years from the date of their appointment.

Time and place of meetings.

3. The Board shall ordinarily meet once a month for the transaction of business.

4. Special meetings may be called at any time by the President.

5. The meetings of the Board shall ordinarily be held in the Secretariat Buildings, Fort St. George.

Agenda.

6. A notice containing the agenda for each meeting shall be circulated to members at least one week before the date on which it is to be held.

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7. With each notice, the Secretary shall, whenever it is possible, furnish or circulate to each member the copies or originals of the relevant papers relating to each item of business or a precis thereof.

8. Any member of the Board may require that the Board should consider any question of policy or administration in which he is interested other than questions relating to the personnel of appointments, the conduct of individual officers or their punishment and unless the President vetoes the requisition, the Secretary shall place it on the agenda.

9. No business shall be entered in the agenda except under the orders of the President and no business shall be transacted at a meeting unless at least six members are present.

10. Any member of the Board who wishes to bring a subject for discussion before the Board shall give at least fifteen days' notice to the Secretary and furnish a note explaining the objects and reasons for his recommendation and the Secretary shall thereupon obtain the President's orders as regards its inclusion in the agenda.

Conduct of Proceedings.

11. In the absence of the President, the members present shall elect a Chairman from among themselves.

12. The decisions or opinions of the Board on matters referred to it for consideration shall be in the form of a recommendation.

13. A record of the proceedings of each meeting of the Board shall be drawn up and entered in a book to be kept for that purpose, and it shall be signed by the Secretary.

Correspondence.

14. All communications to the Board shall be addressed to the Secretary.

Miscellaneous.

15. The President may, for the purpose of obtaining information or of helping the Board to arrive at decisions, invite any person to be present at its meetings.

16. Where the decision of matters coming before the Board is likely to affect materially interests or departments other than those represented on the Board, the President may nominate temporarily to the Board such number of persons as he may consider necessary.

17. The Board may appoint sub-committees for investigating in detail or reporting on questions which are referred to it for consideration.

(2)

*Proceedings of the meeting of the Road Board held on the
11th October 1921.*

PRESENT—Twelve members.

Decisions recorded.

1. *Item 2 of Agenda*—(1) *Sign-posts, warning signs and mile-stones.*—Mile-stones should be dressed smooth on both sides and painted white, and should be planted at right angles to the road so that they can be read while approaching it from both directions. Every mile-stone on a trunk road should show on

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both sides the distance from Madras. District boards may have discretion to inscribe in addition on the stones the distances from other important places but in smaller characters.

(2) *Sign-posts on trunk roads*.—Should simply show the direction to Madras and to the nearest town and also where branch roads lead to. Where there are more signs than one on one post, they should be at different levels in order that each may be read clearly. The signs should be in English and in the vernacular of the district where the sign-post is located.

(3) *Warning signs*.—District boards should maintain the standard international warning signs in consultation with the S.I.M.U. Inspectors of roads should certify annually that they are in order.

A committee of the Board consisting of the President and Mr. Scovell, is formed to advise as regards the material to be used for sign-posts and mile-stones and their size and contents.

II. Item 3 of Agenda—Bridges and causeways.—A committee of the Board consisting of the President and the Secretary is formed to scrutinize the printed list of unbridged rivers on trunk roads and other roads, and other lists that may hereafter be received, and, in consultation with presidents of district boards and Superintending Engineers, to draw up a programme for construction of bridges and causeways arranged in order of urgency. The committee is requested to report to the Board as soon as possible.

III. Item 4 of Agenda—Mileage allotments for trunk roads.—The question of varying rates of trunk road grants for different districts is referred to Messrs. Hutton and Richards for report to the Board at an early date.

IV. Item 5 of Agenda—Trunk roads within municipal and union limits.—District boards and Superintending Engineers should be asked to report facts as regards encroachments.

Portions of district roads within union limits should be maintained by district boards. District boards should also be empowered to maintain portions of such roads in municipal limits in municipalities which do not employ competent Engineers.

V. Item 6 of Agenda—Trunk roads within the administration of Indian States.—The consideration of the question is deferred till next year.

VI. Item 7 of Agenda—Railway level crossings.—The consideration of the subject is adjourned to next meeting. The Secretary is requested to collect in the meanwhile such specific information as is available regarding complaints received of obstruction caused by level crossings.

VII. Item 8 of Agenda—Communications in planting districts.—The opinion of the United Planters' Association of Southern India on this subject should be obtained and put before the next meeting of the Board.

The United Planters' Association of Southern India should also be requested to send its Secretary or other representative to be present at the next meeting.

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VIII. Item 9 of Agenda—Co-ordination of various enactments for regulating motor vehicles.—The subject is referred to a committee consisting of—

The Raja of Ramnad,
Mr. Scovell,
Mr. Green,
* Mr. Richards,
Mr. Gopalaswami Ayyangar,

who will report to the Board at its meeting on Thursday next at 4 p.m.

IX. Item 13 of Agenda—Repair and renewal of roads—Road should not, on account of renewals or repairs, be entirely closed to the public or to traffic. Any such repairs or renewals should, wherever the width of the road permits this course, be done first on one-half of the road and then on the other half.

(3)

Proceedings of the meeting of the Road Board held on the 13th October 1921.

PRESENT—Eight members.

Decisions recorded.

Items 9, 12, 14 of Agenda.—The Board accepts the recommendation contained in the report * of the sub-committee appointed to consider the question of co-ordination of the enactments and policy relating to motor vehicles. The draft by-laws * under section 166 (2), Madras Local Boards Act, for the licensing of motor vehicles plying for hire are approved as amended.

(4)

Proceedings of the meeting of the Road Board held on the 14th October 1921.

PRESENT—Nine members.

Item 1 of Agenda—Classification of trunk roads and second-class roads.—The following decisions were recorded on the reports of the several sub-committees appointed to consider proposals of district boards for the reclassification of trunk roads:—

Ganjam district.—The Board agrees with the sub-committee in considering that the Berhampur-Kalingia road *via* Aska and Russellkonda is an important one from the Agency point of view. A reference should be made to the Agency Commissioner as to the classification of this road.

Vizagapatam district.—The present alignment of the Great Northern trunk road from Modavalasa to Chilakalapeta should be given up in favour of the alignment from Vizianagram to Razam *via* Chipurupalle and Razam to Chilakalapeta.

The Central Provinces-Vizianagram road should be extended to Chittivalasa on the Great Northern trunk road.

The question of altering the present alignment of the trunk road from Anakapalle to Chittivalasa so as to take it through Vizagapatam, i.e., to run it from Anakapalle through Vizagapatam and Bimlipatam to Chittivalasa, should be referred to the Vizagapatam Harbour Committee.

* The report and the by-laws will be found in Appendix.

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Godavari district.—The present alignment of the Great Northern trunk road between Rajahmundry and Kattipudi should be abandoned in favour of the one *via* Rajanagaram-Peddapuram, Samalkota, Pithapuram and Gollaprolu.

Kistna district.—The Hyderabad-Masulipatam road should be extended to the Masulipatam port and the old fort.

Guntur and Kurnool districts.—The recommendation of the sub-committee that the alignment of the Guntur-Kurnool road should be examined by the Presidents of the Guntur, Nellore and Kurnool District Boards is accepted. The Board is of opinion that the road *via* Vinukonda is more direct than the existing Guntur-Kurnool trunk road and the question whether the road *via* Vinukonda may be substituted for the present trunk road should be referred to the Presidents of the Guntur, Nellore and Kurnool District Boards.

Bellary, Anantapur and Cuddapah districts.—The Cuddapah-Bellary road *via* Kamalapuram, Tadpatri and Gooty should be included in the list of trunk roads

Nellore and Chittoor districts.—The Kalahasti-Nayudupet road and the Palmaner-Mysoore frontier roads should be added to the list of trunk roads.

North Arcot district.—The road from Ranipet *via* "Rice Causeway" to the point of its junction with the Cuddalore-Chittoor road should be added to the list of trunk roads

A report should be called for from the Superintending Engineer on the "Wenlock" and "Rice Causeways" and on the roads leading into Vellore from Ranipet, with a view to find out which is the most suitable alignment for the trunk road from Ranipet to Vellore

Chittoor, North Arcot and South Arcot districts.—The Chittoor-Cuddalore trunk road should be diverted between Vellore and Polur so as to pass through Arni.

The question of adopting the Tiruvannamalai-Ginjee-Tindivanam-Pondicherry-Cuddalore alignment in place of the Tiruvannamalai-Tirukoyilur-Panruti-Cuddalore alignment should be referred to the President, District Board, South Arcot.

South Arcot, Tanjore and Trichinopoly districts.—The question whether the Cuddalore-Vriddhachalam-Tittagudi-Toludur road, the Cuddalore-Shatiatope-Lower Anicut-Kumbakonam-Tanjore-Trichinopoly road and the Tanjore-Negapatam road should be treated as trunk roads should be referred to the presidents of the district boards concerned.

Trichinopoly and Madura districts.—The point whether the Trichinopoly, Madura road should go through Dindigul or through Nattam or through Melur should be referred to the district boards concerned.

Madura, Ramnad and Tinnevely districts.—The Madura and Tinnevely District Boards should be requested to offer their views on the suggestion of the Ramnad District Board that the Madura-Arappukkottai-Pandalagudi-Ettypapuram-Tuticorin road and the Madura-Srivilliputtur-Sivagiri-Tenkasi road should be treated as trunk roads.

Further enquiries should be made as to the necessity from a military point of view of extending the Madura-Ramnad road to Mandapam and maintaining it as a trunk road.

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Malabar district.—The Calicut-Payyanur road and the Tirur-Manjeri road should be added to the list of trunk roads.

Second-class roads.—The lists of second-class roads together with the remarks thereon of the Secretary to the Road Board should be returned for revision to the presidents, district boards, concerned. In carrying out the revision, presidents of district boards should be requested to note that no road should be placed in the second-class unless it falls under one of the four descriptions given in paragraph 70 of the Report of the Financial Relations Committee, and that there is small prospect of the Government being able to allot in 1922-23 for grants for second-class roads any amount in excess of the "14 lakhs" grant which now amounts to 17.28 lakhs.

The grant payable in any particular year to a district board should not exceed 50 per cent of the actual expenditure on the maintenance of all second-class roads in the district in that year. The grant payable in 1922-23 will not also be permitted to exceed the share of the "14 lakhs" grant which was promised to the districts in G.O. No. 1856 L., dated 8th December 1917.

In the case of districts which are specially poor, presidents of district boards may make a request for an enhancement of the percentage of actual expenditure referred to above when submitting their revised lists, and inspectors of roads should be requested to offer their remarks thereon. There need be no maximum limit for the present to the amount of the grant per mile of second-class roads.

The Road Board delegate to a committee, consisting of the president and the secretary, power to make final recommendations, on receipt of the revised lists, to the Government as regards the classification of second-class roads.

Item 11 of Agenda—Dak bungalows.—The question is referred to the Roads and Bridges Sub-Committee of the Board.

Item 10 of Agenda—District Touring Maps.—The subject is referred to the Sign Boards Committee.

Date of next meeting.—The next meeting of the Board shall be on the 14th November 1921. The decisions of the Board should be printed and circulated to all members.

APPENDIX (1).

Report of the Committee appointed by the Road Board for examining the question of the co-ordination of the enactments relating to motor vehicles (items 9, 12 and 14 of Agenda).

With the exception of Mr. Scovell, all the other members of the Committee were present.

After discussing the points raised in Mr. Gopalaswami Ayyangar's note, the Committee decided to make the following recommendations :—

I. Motor traffic being long-distance traffic and uniformity being desirable in such matters, it is advisable that the initial registration of all motor vehicles and the granting of drivers' licences are in the hands of the Commissioner of Police in the Madras City and the District Superintendent

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of Police in mufassal districts. The Committee think, therefore, that these two matters may continue to be governed by the rules under the Indian Motor Vehicles Act.

II. In view of the fact that the revenue from fees for initial registration of vehicles and from licences for drivers is not very considerable and in view also of the fact that it would be difficult to apportion that revenue amongst the various local bodies in the Presidency, the Committee would permit Government as now to appropriate those fees.

III. The Committee do not think that in any material particulars referred to in rules 1 to 29 and 31 to 41 of the Madras Motor Vehicles Rules, any transfer of authority from any Government officer to the president of a district board or the chairman of a municipal council is necessary. The only exception they would make is that the power of the Commissioner of Police in the Madras City and the District Superintendent of Police in the mufassal to insist on annual registration of heavy motor vehicles, to demand fees therefor and otherwise to control the use of heavy motor vehicles—under rules 31-39—should be limited to vehicles which are not intended to be let or to ply for hire.

IV. The Committee would abrogate rule 30 of the Madras Motor Vehicles Rules. Vehicles intended to be let or to ply for hire should be annually registered by the Commissioner of the Madras Corporation in Madras and the president of the district board in local board areas and the chairman of the municipal council in municipal areas. The issue of a special permit for letting such vehicles or allowing them to ply for hire should also be vested in these authorities.

V. With a view to carry out the previous recommendation, it is necessary to amend both the City Municipal Act and the Madras District Municipalities Act on the lines of section 166 of the Local Boards Act.

VI. As regards the co-ordination necessary among local bodies in cases where a motor service enters the jurisdiction of more than one local body, possible conflicts of by-laws, of licence fees and of the conditions inserted in licences for letting or plying for hire should be prevented by the Government taking, either by fresh legislation or otherwise, power to compel the local bodies concerned to combine and appoint a joint committee or licensing board, with power to frame by-laws which will be binding on all the local bodies concerned. Where local bodies demur to such joint action or when any of them decline to enforce, or act in conformity with, the by-laws framed by such a joint committee, Government should have power to interfere and to enforce such orders as it may pass in the public interest.

VII. The revenue derived from a motor service which enters the jurisdiction of more than one local body should go to a common fund which should be apportioned amongst the local bodies concerned, ordinarily on the basis of the number of miles over which the service is conducted within the jurisdiction of each local body. The apportionment may be made by the joint committee or the licensing board, and any disputes that may arise between the local bodies in this connexion should in the last resort be settled by Government.

VIII. There should be only one levy on a car or bus or other motor vehicle which is let or which plies for hire ; and this should be the fee on the licence which the Commissioner of the Madras Corporation, the president of

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a district board, or the chairman of a municipal council or the joint licensing board may issue. The licence should exempt such vehicle from payment of tolls and of the carriage tax within municipal limits; and the licence fee should be so regulated as to cover these. The Committee think that, in fixing the fee, local bodies should also take into consideration the fact that heavy motor traffic on roads means a considerable amount of additional expenditure in keeping the roads in proper condition for such traffic, and that, in order to ensure proper control of such traffic, the letting or plying of cars for hire should be limited to specified roads. They would recommend that the fee should take the form of a rate per mile of the length of the roads over which such traffic is allowed, and that the rate should be fixed with reference to the frequency of trips, the amount of passenger and goods traffic per each trip, etc.

IX. The licensing of garages or motor vehicle stands for vehicles plying for hire should be left to be regulated by the local body within whose limits such garages or vehicle stands are located. If necessary, the Acts should be amended in order to give power to local bodies to license such places under conditions.

X. The Committee would also leave the fixing of the maximum fares for passengers and the maximum rates for goods to the Corporation and to each district board or municipal council or joint licensing board as the case may be. Such maxima have to be largely regulated by local conditions and it would be preferable to leave the matter in the hands of the local authority for the present.

XI. Motor transport is a matter of public utility. Where it is provided by private owners, as in populous areas, and there is evidence of competition amongst them, it would probably be enough if local bodies control such enterprise in the direction (i) of securing as cheap a service as is possible for the public, (ii) of securing the safety of goods and passengers and (iii) of obtaining, in the shape of a licence fee, an amount which would repay a substantial share of the additional expenditure which local bodies have to incur for keeping the roads in order. But where there is no competition and a private concern is likely to make large profits by exploiting what would practically be a monopoly, or in areas which have not yet been reached by private enterprise and where the service is likely to prove reasonably remunerative, the Committee would recommend that municipal councils and district boards or joint committees of these bodies should start services of their own. They have ample powers under the Local Boards Act, the District Municipalities Act and the City Municipal Act for engaging in such enterprise and the Committee think that those powers should be used as largely as possible.

XII. It is important, however, that local bodies should not engage in such enterprise unless it is likely to yield a reasonable return on the investment; and, before arriving at the estimated net return of such an enterprise, it is necessary that adequate deduction is made from the gross profits for providing against depreciation of capital stock. The Committee would accordingly recommend that a statutory rule should, if possible, be framed to compel local bodies to make a minimum provision for depreciation which in their opinion should not be less than 20 per cent of the capital outlay.

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APPENDIX (2).

Model By-laws under section 166 (2) of the Madras Local Boards Act, XIV of 1920.

1. The fares that may be levied from passengers travelling by motor vehicles plying for hire shall not exceed the following rates:—

						Per passenger per mile.
First class
Second class

2. Each passenger shall be allowed to take with him free of charge the weight of luggage specified below:—

						Weight of luggage. •
						LB.
First-class passenger	...	...	...	...	...	...
Second-class passenger	...	...	...	...	...	...

3. The charge for luggage in excess of the free allowance shall not exceed Rs. per lb. or maund per mile.

4. The rates that may be levied for goods carried by motor vehicles plying for hire shall not exceed Rs. for every lb. or maund per mile.

5. Every licence granted under section 166 (1) of the Madras Local Boards Act shall be subject to the following conditions:—

(1) The licence shall be in force from 1st April to 31st March.

(2) The motor vehicle shall not ply unless it is registered under rule 4 of the Madras Motor Vehicles Rules issued under section 11 of the Indian Motor Vehicles Act, 1914.

(3) The motor vehicle shall ply only on the roads specified in the licence:

Provided that the issue of a licence under these by-laws shall not entitle the licensee to claim compensation for being prevented from using the motor vehicle on roads or bridges which during the currency of the licence may be ordered by a duly constituted authority to be closed to traffic for repairs or for other purposes.

(4) Not more than passengers in addition to the driver and conductor shall be carried in the vehicle with luggage not exceeding in all lb; but in place of each passenger short of the prescribed maximum, goods or luggage to the weight of lb. may be carried. The conductor shall stop issue of tickets when the maximum number of passengers the vehicle is allowed to carry is reached.

(5) The licence shall be carried by the driver of the vehicle whenever it is in motion and the number of persons and weight of luggage specified in clause (4) shall be painted on a conspicuous part of the vehicle.

(6) The owner of the vehicle, if it be a motor-bus, shall arrange for its examination once in every six months as to its structural strength, condition and running order generally by an officer approved by the president and not lower in rank than an assistant engineer in the Government, Public Works Department, or in the service of the district board, and his certificate as to its

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fitness for use on the road shall be submitted by the owner to the president. The vehicle shall not be let or ply for hire for a period exceeding six months without its being examined and certified in the manner specified above.

Explanation.—A motor-bus shall be taken to mean a vehicle which is let or plies for hire and has seating accommodation for eight or more passengers.

(7) The vehicle shall at all times be open to inspection by (i) the president, district board, (ii) the district board engineer, (iii) the district board assistant engineers and (iv) the officer who last granted the certificate referred to in clause (6). If any such officer considers the vehicle unfit for use on the road, he shall record his reasons in writing and shall communicate them to the owner as well as to the president, district board. The vehicle shall not then be let or ply for hire without the special permission of the president, district board, or until a fresh certificate of fitness under clause (6) has been produced.

(8) The licence may be cancelled by the president, district board, for breach of any of the conditions or for any infringement of the provisions of any Act or of any rule having the force of law. When any licence has been cancelled, the holder thereof shall forthwith return it to the officer who issued it.

(9) The vehicle shall be driven only by a person licensed by a licensing authority under the Madras Motor Vehicles Rules.

(10) The weight of the vehicle, when fully loaded, shall not exceed tons.*

(11) The speeds at which the vehicle may be driven shall be regulated as follows:—

(Here enter particulars.)

(12) This licence shall not be transferred to any other person without sanction duly endorsed thereon by the licensing authority.

6. Whoever commits breach of any of the provisions of these by-laws shall be punished with fine which may extend to Rs. 50 or with fine which may extend to Rs. 10 for every day during which the breach continues after receipt of notice of the president, district board, to discontinue such breach.

FORM OF LICENCE.

Licence for the letting or plying for hire of motor vehicles, granted under section 166 of the Madras Local Boards Act, 1920.

I, the President of the District Board of, hereby
 Roads, Points. permit along the marginally noted roads and between
 hire of the motor vehicle described below, belonging to
 the points mentioned therein the letting or plying for
 residing at whose head office is at
 subject to the following conditions:—

(Here enter description of motor vehicles.)

Conditions.

[Here enter clauses (1) to (12) of by-law No. 5.]

* District boards might fix their own limits according to local conditions but in no case should it exceed 6 tons.

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(5)

*Proceedings of the meeting of the Road Board held on the 12th
December 1921.*

PRESENT—Fourteen Members.

Decisions recorded.

I.—CHITTOOR-CUDDALORE TRUNK ROAD.

The Road Board recommends that the Tiruvannamalai-Gingee-Tindivanam-Pondicherry-Cuddalore alignment be substituted for the Tiruvannamalai-Tirukkoyilur-Panruti-Cuddalore alignment.

II.—THE GREAT SOUTHERN TRUNK ROAD.

The Road Board recommends that the present alignment up to Trichinopoly be adhered to and that the Trichinopoly-Melur-Madura alignment may be substituted for Trichinopoly-Dindigul-Madura alignment.

III.—GUNTUR-KURNOOL TRUNK ROAD.

The Road Board recommends that the present alignment be adhered to.

**IV.—CLASSIFICATION OF BRIDGES AND CAUSEWAYS IN ORDER
OF URGENCY.**

The report of the sub-committee appointed at the last meeting will be awaited.

V.—MILEAGE ALLOTMENTS FOR TRUNK ROADS.

The Road Board considers that the Government should grant in full the cost of maintenance of the trunk roads as reported by the Superintending Engineers, since they have undertaken complete responsibility for these roads. If this cannot be done, the Board recommends that the amount available should be distributed in proportion to the rates recommended by the Superintending Engineers for the different districts.

VI.—TRUNK ROADS WITHIN MUNICIPAL AND UNION LIMITS.

The Road Board requests the Government to bring to the notice of local boards the desirability of paying increased attention to the roads within unions and roads within three miles of municipal towns and one mile of unions on account of the intensified traffic on these roads.

VII.—RAILWAY LEVEL CROSSINGS.

The Road Board is of opinion that in all municipalities, there should be an over-bridge at every place where the railway line crosses important roads and that level crossings at such places should be removed, and requests the Government to take the necessary action as the inconvenience caused by level crossings is universally felt.

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VIII.—COMMUNICATIONS IN PLANTING DISTRICTS.

The Road Board is of opinion that the policy to be adopted as regards communications in planting districts should be decided by the Government in consulting with the local bodies concerned.

IX.—ROAD METAL.

The Road Board recommends that district boards be advised to test road metal at a Central Laboratory as suggested by the Director of Geological Survey of India.

X.—REPORT OF THE SUB-COMMITTEE ABOUT MILE-STONES AND SIGN-POSTS.

The type-designs suggested by the sub-committee are approved with the following alterations:—

- (1) The tops of mile-stones to be rounded.
- (2) Space to be left on the boards attached to sign-posts for the vernaculars of the districts.
- (3) The horizontal section of the post to be 6" by 6".

APPENDIX.

*Report of the Sub-Committee for sign-posts and mile-stones,
dated 8th December 1921.*

A Committee consisting of Mr. Scovell and the President held several meetings and also obtained information from the Chief Engineer, Public Works Department, Mysore, as to the mile and furlong stones used in that State. The Committee have now drawn up two type-designs*—one for mile-stones and furlong-stones and the other of sign-posts, and copies of these are circulated to the members of the board. In Mysore the mile-stones and furlong-stones are rounded at the top. They also have a chiselled margin $1\frac{1}{2}$ " wide. The Committee consider that a less expensive stone will suffice for this Province and recommended that the mile-stone should be flat at the top as shown in the type-design and not rounded as in the Mysore State. The mileage is also marked on furlong-stones in the Mysore design, but the Committee do not think it necessary and they consider that the furlong number alone is sufficient. The mile-stone should be dressed smooth on both sides and painted white and should be planted at right-angles to the road so that they can be read easily while approaching them from both directions. When the road is carried on an embankment the mile-stones should not be planted on the slope of the embankment but a projecting embankment should be constructed on the same level as the road and on this projection—and out of the way of carts and other traffic—the mile-stones should be planted so that they can be just as easily read as in the case of a road which is not on an embankment.

Sign-posts.—A type-design for sign-posts has been drawn up which is circulated for the approval of the Road Board. It is considered by the Committee that the material used for the sign-posts should be teak or other

* Not printed.

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durable wood. Soft wood liable to decay by exposure to sun and rain should not be used. The post should be tarred and the lettering on the boards should be white on a black-ground. The lettering should be cut on the board to a depth of $\frac{1}{4}$ " and the recess painted with white paint.

The Committee recommend that all district boards should be asked at an early date to adopt the type-designs for mile-stones and sign-posts on all trunk roads so that a uniform system may be enforced.

[Type-design—Mile-stone—Sign-post—Not printed.]

(6)

Proceedings of the meeting of the Road Board held on 21st August 1923.

PRESENT :—Nine members.

Decisions recorded.

Item 1 of agenda—Improvement of the Bhond Ghat road, South Kanara.—The Road Board considers that it is unnecessary to treat the road as a trunk road.

Item 2 of agenda—Improvement of roads leading to Tuticorin in connexion with the development of the Tuticorin Harbour.—The Road Board recommends that the roads (1) from Tuticorin via Palamecottah to Shenkottah and (2) from Tuticorin via Ettiyapuram to Kovilpatti be classed as trunk roads as recommended by the Public Works Department. The Board also recommends the construction of the bridge across the Tambraparni river at Marappanad on the Tuticorin-Palamecottah road.

Item 3 of agenda—List of improvements to trunk roads.—The Road Board is of opinion that the policy of confining grants for bridges to a radius of one-hundred miles from Madras has not turned out to be practicable. The Commanding Royal Engineer expressed the opinion that from a military point of view also that principle is not practicable.

(7)

Proceedings of the meeting of the Road Board held on 22nd August 1924.

PRESENT—Eight members.

Decisions recorded.

Realignment of the Great Southern Trunk road in the South Arcot district.—The Road Board desires to have a detailed report of the policy adopted by the South Arcot District Board in regard to the maintenance of trunk roads since Government assumed responsibility for their upkeep.

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APPENDIX V.

[Vide answer to question No. 1005 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 14th December 1925, page 36 supra.]

Statement showing the strength of the Madanapalle Union Board with names of members, etc.

Serial number.	Name of member.	Community to which he belongs.	Whether by election or nomination.	Remarks.
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As it stood on 31st May 1925.

1	M.R.Ry. G. Gopal Reddi Garu	Kamma ..	Election ..	The twelfth seat became vacant on 29th May 1925.
2	„ R. Krishna Reddi Garu	Do ..	Do. ..	
3	„ G. Peddappa Reddi Garu	Do. ..	Do. ..	
4	„ Nadella Narappa Garu	Do. ..	Do. ..	
5	„ R. Venkatappa Garu	Do. ..	Do. ..	
6	Reddi Dastagiri Sahib Bahadur	Muhammadan ..	Do. ..	
7	M.R.Ry. R. Sivarama Sastrulu Garu ..	Brahman ..	Do. ..	
8	„ Kerlepalle Venkataswami Chetti Garu.	Vaisya ..	Do. ..	
9	„ B. Papanna Garu	Baliya ..	Do. ..	
10	„ T. N. Ramachandra Reddi Garu.	Kapu ..	Nomination ..	
11	„ Kadam Subboji Rao Garu	Mahratta ..	Do. ..	

As it stood on 30th September 1925.

1	M.R.Ry. G. Gopal Reddi Garu	Kamma ..	Election ..	
2	„ R. Krishna Reddi Garu	Do. ..	Do. ..	
3	„ G. Peddappa Reddi Garu	Do. ..	Do. ..	
4	„ Nadella Narappa Garu	Do. ..	Do. ..	
5	„ R. Venkatappa Garu	Do. ..	Do. ..	
6	Reddi Dastagiri Sahib Bahadur	Muhammadan ..	Do. ..	
7	M.R.Ry. R. Sivarama Sastrulu Garu ..	Brahman ..	Do. ..	
8	„ Kerlepalle Venkataswami Chetti Garu.	Vaisya ..	Do. ..	
9	„ B. Papanna Garu	Baliya ..	Do. ..	
10	„ R. Subbasastrulu Garu	Brahman ..	Do. ..	
11	„ B. Venkataramiah Chetti Garu.	Vaisya ..	Do. ..	
12	S. Abdul Gaffur Sahib Bahadur	Muhammadan ..	Do. ..	
13	M.R.Ry. T. N. Ramachandra Reddi Garu.	Kapu ..	Nomination ..	
14	„ Kadam Subboji Rao Garu	Mahratta ..	Do. ..	
15	„ V. Rajagopal Mudaliyar Avargal.	Mudaliyar ..	Do. ..	

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APPENDIX VI.

[Vide item V Communications to the Council at page 57 supra.]

G.O. No. 1813, Revenue, dated 21st November 1925.

At the meeting of the Legislative Council held on 20th August 1925,

Miscellaneous.

M.R.Ry. C. V. Venkataramana Ayyangar Avargal asked, whether in view of the fact that the village

headmen of three villages in the Bhavani taluk, situated more than 30 miles from the sub-treasuries at taluk headquarters, were sometimes remitting the revenue collections of their villages by postal money order at their own cost to reduce the chances of the money being stolen on the way, the Government would consider the question of authorizing Collectors to allow headmen of such villages as are situated at more than a particular distance from the sub-treasuries to send their collections by postal money order at Government cost. The Government undertook to consider the suggestion and to place the orders passed on the table of the Legislative Council.

2. The rules on the subject are contained in Chapter IV of the Village Officers' Manual. As therein laid down, the collection of revenue and the payment of it into the Taluk treasury direct, is the most important duty of the village revenue establishment, and that duty has been discharged for generations by the village headmen and servants in this Presidency with admirable efficiency and fidelity and risks such as those suggested in the interpellation are certainly not greater if not considerably less than formerly. The Government have carefully considered the matter and see no reason to depart from the rules as laid down in the Village Officers' Manual.

(By order of the Governor in Council)

E. W. LEGH,
Second Secretary to Government.

To the Secretary, Legislative Council, for placing the Government Order on Legislative Council Table.
,, Board, Land Revenue and Settlement.

APPENDIX VII.

[Vide item V—Communications to the Council at page 57 supra.]

G.O. No. 1851, Law (Education), dated 27th October 1925.

Read—the following papers :—

(1)

Memorandum No. 4759/B-1, Law (Education), dated 12th January 1924.

A copy of the resolution proposed to be moved in the local Legislative Council by Mr. S. Satyamurti, regarding the adoption of one or other of the vernaculars as a compulsory medium of

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instruction and of examination in non-language subjects, is forwarded to the Director of Public Instruction who is requested to obtain the views of the District Secondary Education Boards on the question and submit them to Government at a very early date with their remarks thereon.

R. RAMACHANDRA RAO,
Secretary to Government.

To the Director of Public Instruction (memorandum and copy of the resolution).

ENCLOSURE

No. 93. That this Council recommends to the Government that it should so modify the Educational Rules as to make it compulsory for all instruction in schools, aided or recognized by the Government, being imparted in one or other of the mother tongues of the Presidency and for the Secondary School-Leaving Certificate Examination being conducted in all non-language subjects, in one or other of the mother tongues of the Presidency.

(2)

Letter from R. LITTLEHAILES, Esq., M.A., Director of Public Instruction, to the Secretary to Government, Law (Education) Department, dated Madras, the 5th November 1924, R.C. No. 82-D/24.

I have the honour to reply to Government Memorandum No. 4759 B-1, dated the 12th January 1924.

2. The views of the District Secondary Education Boards on the resolution proposed to be moved in the local Legislative Council by Mr. S. Satyamurti, as indicated by resolutions passed at meetings of the Boards, are as follows, the language used in this paragraph being that contained in the resolutions of the Boards in every case in which the words of the resolutions have been communicated to me:—

(1) *Ramnad*.—This Board is *unanimously* in favour of Mr. Satyamurti's proposals being adopted.

(2) *Vizagapatam*.—The Board is convinced that the time has come for imparting instruction in the non-language subjects and for the holding of examinations in them in vernaculars.

(3) *Godavari*.—Resolved that the Board support the resolution—carried by 5 votes against 3.

(4) *Cuddapah*.—The Board by a *majority* is in favour of the proposal of Mr Satyamurti, notwithstanding the practical financial difficulties existing in the way—eight members were present.

(5) *Karnool*.—The majority of the members of the Board are of opinion that if instruction is imparted in the vernacular the

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Secondary School-Leaving Certificate examination should also be conducted in the vernacular. The Board has already resolved that instruction in non-language subjects should be in the vernacular.

(6) *Madura*.—This Board approves of the *principles* embodied in this resolution.

(7) *Madras*.—Resolved that in secondary schools the medium of instruction in non-language subjects be the vernacular except that in individual cases of pupils or schools permission may be given by the department to allow pupils to study non-language subjects in English.

▼ (8) *Tanjore*.—This Board accords its whole-hearted support to the resolution to be moved by Mr. S. Satyamurti Ayyar in the local Legislative Council regarding the teaching and examination of non-language subjects in one or other of the mother tongues of the Presidency, subject to the proviso as a transitory measure, option being given to the teaching and examination of science subjects either in English or in vernacular.

(9) *Ganjam*.—This Board approves of Mr. Satyamurti's resolution except in science and in bi-lingual schools, where it considers the matter should be left optional for the present—carried by the casting vote of the Chairman, six being present.

(10) *Guntur*.—While the Board sympathizes with the spirit of Mr. Satyamurti's resolution it recommends its adoption gradually, say, within five years (not exceeding five years) and the Government will be requested in the meanwhile to provide facilities for the early introduction of vernacular media of instruction in all the secondary schools.

(11) *Kistna*.—The question of imparting instruction in non-language subjects in the vernaculars should be developed gradually starting with one subject.

(12) *Nellore*.—The Board is broadly speaking in favour of the general principle contained in the proposed resolution, but it is of opinion that the change should be introduced very gradually and in different stages, as the Board is conscious of the numerous practical difficulties that are likely to arise as a sequel to the change.

(13) *Chittoor*.—The majority of the members of the Board (*viz.*, Messrs. T. K. Venkatarama Ayyar, N. Pattabhirama Rao, T. V. Rangachariyar and M. B. Ramadasappa Nayuni Varu) are of opinion that the present system of instruction and examination in English in non-language subjects should continue in the case of pupils who prepare for the University, but that in the case of pupils who do not go to University vernacular should be made compulsory

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for instruction and examination in non-language subjects. Messrs. B. Munuswami Nayudu and K. V. Satagopachariyar disagree with the majority. They are entirely in favour of Mr. Satyamurti's resolution.

(14) *Tinnevelly*.—This Board is of opinion that it should be left to the option of the students to receive their instruction either in English or their mother tongues; but that it should be made clear that the Secondary School-Leaving Certificate examination will be held in the vernaculars also for non-language subjects and that the fact of their taking the examination in the vernacular shall not bar them from eligibility to the University classes.

This Board is in sympathy with the idea of encouraging vernacular education but is of the view that for the present it could be encouraged by other means than the particular form of compulsion suggested.

(15) *Coimbatore*.—While the Board sympathizes with the object of Mr. Satyamurti's resolution, it is of opinion that we should begin only with a recommendation to the teachers to teach the subjects of History and Geography in vernaculars, the student being given an option to be examined in English or vernacular in those subjects, and that the teaching and examination in these subjects be made compulsory when sufficient vernacular text-books in those subjects are available. And the Board is further of opinion that as regards other non-language subjects early steps should be taken to render possible the instruction of compulsory teaching and examination in vernaculars.

(16) *Bellary*.—The majority were of opinion that the medium of instruction in all non-language subjects should compulsorily be in a vernacular *up to* high school stage and it follows from this that the examination papers should necessarily be set and answered in the vernaculars in the primary and middle school stages. The President was strongly of opinion that the vernacular medium and examination should be made compulsory in high school stage also.

(17) *Trichinopoly*.—Although we are in sympathy with the spirit of the resolution proposed to be moved by Mr. Satyamurti, we refrain from recommending the immediate introduction of vernaculars as the compulsory media of instruction in non-language subjects having in view the impending reorganization of the Secondary and University courses. We recommend, however, that the question of introducing the mother tongue as a compulsory medium may be kept in view when the school courses are reorganized.

(18) *Salem*.—This Board considers it not feasible for forms above third form.

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(19) *Anantapur*.—The board has in its meeting dated 31st March 1924 resolved that the proposal is not at present feasible.

(20) *Chingleput*.—While the board recognises the many advantages that would accrue from the teaching of non-language subjects through the medium of an Indian vernacular it desires to point out that in districts such as the Chingleput district in which several vernaculars are used it would be impracticable to impart instruction only through any of the vernaculars and the board therefore deprecates the idea of making such instruction compulsory.

(21) *South Kanara*.—That in view of half a dozen mother tongues being prevalent in the district and other local difficulties, this board is of opinion that there ought to be no compulsion as regards any particular language being employed as the medium of instruction and examination—carried by 8 against 1.

Rao Bahadur Subba Rao moved:—

(1) that the medium of instruction should be the vernacular of the district up to the III form except in institutions where they are exempted by the Director of Public Instruction;

(2) that the said medium may be optional from IV to VI forms;

(3) that the public examination may be held both in English and the vernacular, and that the English language will be continued to be taught.

These resolutions were not seconded.

(22) *Malabar*.—The board is of opinion that vernaculars need not be made a compulsory medium of instruction.

(23) *North Arcot*.—The majority is not in favour of the resolution (of Mr. Satyamurti)—carried by 4 against 3.

(24) *South Arcot*.—This board is of opinion that no change in the existing rules is necessary regarding the medium of instruction.

3. From the above resolutions it will be seen that there is a large divergence of opinion on the subject not only throughout the whole Presidency, but throughout individual districts. I have arranged in the above epitome of the resolutions of the District Secondary Education Boards their opinions in a graduated scale placing at one end of the scale the opinion of a board which is unanimously in favour of Mr. Satyamurti's proposals being adopted and at the other end of the scale the opinion of a board which is opposed to any of Mr. Satyamurti's proposals being adopted, the opinion of the other boards being arranged in the intervening

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space so that they approximately merge into each other, the opinions which are least dissimilar being placed in a joining sub-paragraphs.

4. One board merely approves of the principles of Mr. Satyamurti's resolution. another board requires exemption to be given to individuals and to schools, a third board would give an option—to whom is not stated—in teaching and examining science subjects, yet another board would exclude science subjects and bilingual schools—presumably schools in bilingual areas is meant—from Mr. Satyamurti's resolution. A few boards are in favour of the gradual adoption of Mr. Satyamurti's proposals, the graduation being suggested in time, in subjects and in stages of instruction by different boards, yet another board would desire the resolution to be made applicable only to non-university students though it is well known that there is no clear line of demarcation between the embryo university student and non-university student in the majority of high school classes. One board would make the application of the resolution optional to students, another would make its application optional to teachers; one board does not apparently desire to express a definite opinion upon the matter referred to it, though the president expresses a strong opinion. One board would merely keep the object of the resolution in view, while several boards point out that the adoption of the resolution is not feasible; some call attention to the large number of vernaculars in use, several vernaculars being in current use in some districts, in particular in South Kanara and in Chingleput. Not only is there no unanimity of opinion on the question, but there is no clear majority in favour of Mr. Satyamurti's resolution.

5. It is educationally obvious that instruction and examination must go hand in hand, so that if instruction in any subject is given in the vernacular the examination should be held in the vernacular. If the instruction is given in English, the examination should be held in English.

6. The existing rule on the subject of the medium of instruction in high schools is Madras Educational Rule No. 69, which runs as follows :—

“Managers of schools should, unless they have obtained the permission of the District Educational Officer to do otherwise, adopt the vernacular of the pupils as the medium of instruction up to and including the III form.”

In practice the vernacular is not used in giving instruction in the upper forms, that is, in those above the 3rd, namely, the 4th, 5th and 6th, except possibly to a small extent in the 4th form.

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7. The examination papers for the Secondary School-Leaving Certificate Examination are set and answered in English. It is optional, however, for a pupil to answer the papers in his vernacular provided he gives due notice that he desires to be examined in the vernacular. Although this option exists and has existed for a few years no student has taken advantage of it

8. I do not consider that the lack of a large number of suitable text-books in the vernaculars has very much weight in a consideration of this question. If instruction in the vernacular is made compulsory more text books will soon spring up. As it is, every year sees more suitable text-books in the vernacular added to the approved list. We have moreover at the present time a large committee, divided into sub-committees, at present sitting with a view to rendering into the different vernaculars of this presidency English words which are in common use in scientific, technical and general academic terminology. When the labours of this committee are finished, the publishing and writing public will have a large accepted vocabulary of words in use in scholastic and academic circles. If then the demand for educational works in the vernaculars increases, the issue of books will be made easy.

9. In my reply to Government in July last wherein I discussed the resolutions of the committee appointed by Government to consider the Calcutta University Commission's Report I made the following remarks on Resolution No. 10 which read as follows:—

“Resolution No. 10.—That, while instruction and examination through the medium of the vernacular in Forms IV to VI should be the ultimate ideal, liberty be given to managers of schools to choose either English or the vernacular as the medium of instruction and examination, subject to the recommendation that approximately one-half of the time devoted to instruction should be given to teaching through English and the other half through the vernacular, and that the examination papers of the Secondary School Public Examination in other than language subjects be set in English and certain specified vernacular languages.”

My remarks.—“I should support this resolution. At present by far the greater part of the instruction given in high school forms is in English. Just as in South Africa where both English and Dutch are spoken it is the object of instructors so to train the pupils in schools as to enable them to use both languages almost equally well, so at the present time I should insist upon instruction being given partly in English and partly in the vernacular in the high school course. This suggestion is a compromise. It takes into consideration the existing state of affairs. It endeavours to

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pave the way for a better and more extended use of the vernaculars. It refuses to introduce politics into sound education. It allows some freedom to managers and parents in the choice of the medium of instruction to be adopted and it refrains from departing from any sound educational tenet. The freedom of the parent lies in his liberty to send his child to any school he pleases, in the power he possesses over the management of schools under the control of district boards and municipal councils and in the pressure he may be able to bring to bear on the management of schools under private control. The question of the vernacular of instruction has been discussed times without number and was even so recently as a month ago at the Universities Conference in Simla placed right at the end of the agenda paper. It was not given any priority in order of discussion since a discussion on this subject is interminable and it was desired that solid work should be done and decisions on important University matters should be come to. The question of medium of instruction is one upon which the voluble exponent will spend hours laying forth his views and endeavouring to convince his opponent who is equally decided never to be convinced. There is no end to the discussions although the *pros* and *cons* of each and every side have been stated frequently. The solution to be adopted at any time is a compromise and one of expediency with the proviso that no fundamental educational principle should be discarded in the adoption of the compromise. No such principle is departed from in the proposed resolution."

I may add that the transition from English to Vernacular instruction in some subjects taught in Forms IV, V and VI should be made gradually, a commencement being made in the IV form so that it would take three years to complete the transition.

10. I have not referred in detail in this letter to the Report of the Calcutta University Commission. Its remarks on the medium of instruction and examination will be found mainly in chapters XVIII and XXI of the report. Its conclusions however may, for purposes of reference, be summarized here. While the Commission had as its general aim the making of the educated classes bilingual in English and a vernacular, it laid stress on the continued necessity of improving the vernaculars, through which the results of Western as well as of Eastern knowledge can alone be conveyed to the masses of the people. The Commission advised—

(1) The medium of instruction and examination in the intermediate colleges and in the University should be English (except in dealing with the vernacular and the classical languages).

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(2) The vernacular should be used in general throughout the high schools, except for the teaching of English and of mathematics, which, during the last four years of the course, should be conducted in English.

(3) At the 'high school examination' (corresponding to the Matriculation) candidates should be permitted to answer either in the vernacular or in English, except in the subject of English and of mathematics in which English should be compulsory

(3)

Memorandum No. 3127/B-1, Law (Education), dated 8th December 1924.

The Government agree with the Director of Public Instruction that the recommendation of the Secondary Education Reorganization Committee on the subject of the adoption of vernaculars as media of instruction in forms IV to VI in secondary schools may be accepted. The Director is requested to submit proposals for giving effect to the recommendation after consulting the Academic Council of the University, if necessary.

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction

(4)

Letter from R. G. GRIEVE, Esq., M.A., Acting Director of Public Instruction, to the Secretary to Government, Law (Education) Department, dated Madras, the 9th September 1925, R.O.C. No. 82-D/24.

With reference to Government Memorandum No. 3127/B-1, dated 8th December 1924, calling for proposals to give effect to the recommendations of the Committee on the Reorganization of Secondary Education on the subject of the adoption of vernaculars as media of instruction in Forms IV, V and VI of secondary schools, and in continuation of my letter R.O.C. No. 82-D/24, dated 19th March 1925, I have the honour to submit that the question was discussed at the recent meetings of the Academic Council of the University and the Council of Affiliated Colleges. In the Academic Council the proposal to make the use of the vernacular obligatory on all schools was rejected by 45 votes to 26 and eventually the following resolution was adopted with only three dissentients, viz. "That the proposal for the adoption of vernaculars as the media of instruction in secondary schools be accepted," the proposal referred to being Resolution No. 10 of the Committee appointed by Government to consider the Calcutta University Commission's Report on the subject of the adoption of vernaculars as the media of instruction in Forms IV to VI in Secondary Schools.

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In the Council of Affiliated Colleges a proposal to make the use of the vernacular compulsory was rejected by 31 votes to 2, and the decision arrived at was similar to that of the Academic Council. The resolution is thus permissive in character and will have the effect of making gradual the transition from the use of English to the use of the vernacular as the medium of instruction and examination. If, as suggested in paragraph 9 of the Director's letter to Government R.C. No. 82/D-24, dated 5th November 1924, a commencement is made with the new practice in Form IV and if permission to answer the question papers of the Public Examination is made conditional on a candidate having undergone instruction in the subjects of the examination entirely in the vernacular for three years, it will take three years before the transition is completed.

2. The only action I consider necessary to give effect to the resolution is to circularise District Educational Officers on the subject. I submit a copy of the circular I propose to issue and request that Government may be pleased to approve of it

ENCLOSURE

Circular.

Managers of schools should be informed that they are at liberty to choose either English or a vernacular as the medium of instruction in Forms IV, V and VI of a secondary school. It is, however, recommended that approximately half of the time devoted to instruction, including the periods devoted to teaching of English, should be given to teaching through English and the other half to teaching through the vernacular.

Question papers at the Secondary School-Leaving Certificate Public Examination will be set in English, Tamil, Telugu, Malayalam, Kanarese, Oriya, Mahratti and Urdu in all subjects, except (1) English, Latin, Greek, Hebrew, French and German, question papers in which will be set in English only; (2) Sanskrit and the vernacular languages, question papers in which will not be set in English, but in the appropriate vernacular; (3) Arabic and Persian, question papers in which will be set in Urdu only. Pupils will be given the option of answering the question papers either in English or in the vernacular in which the paper is set, provided that pupils will not be allowed to answer question papers in a vernacular unless they have received instruction in the subject of the question paper entirely in the vernacular during their school course in Forms IV, V and VI.

(ii) Heads of institutions must inform the Secretary to the Secondary School-Leaving Certificate Board not later than 1st December of each year of (a) the number of pupils likely to be presented for the ensuing public examination in each subject, and (b) the language in which each pupil will answer each question paper.

(iii) The Secondary School-Leaving Certificate of a pupil will exhibit the language in which each subject has been studied and each question paper has been answered.

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Order—No. 1851, Law (Education), dated 27th October 1925.

The Government approve of the circular proposed to be issued by the Director of Public Instruction on the subject of the adoption of vernaculars as the media of instruction in forms IV to VI in secondary schools.

(By order of the Government, Ministry of Education)

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Director of Public Instruction.

APPENDIX VIII.

[Vide item V—Communications to the Council at page 57 supra.]

NOTIFICATION.

Fort St. George, November 13, 1925.

No. 1283.—In consequence of the increase in the number of electoral wards of the Virudhunagar municipality from six to twelve, the Municipal Council will be dissolved with effect from 3rd January 1926 and reconstituted with effect from 1st March 1926. In order to carry on the municipal administration in the interval between dissolution and reconstitution, it is necessary to have a Council of six members and for this purpose to take power temporarily to appoint a Chairman who may function as an ex officio councillor in addition to the five nominated councillors. The Municipal Council has agreed to the temporary withdrawal of the privilege of electing its Chairman. The Local Government accordingly direct under sub-section (1) of section 12 of the Act that with effect from 3rd January 1926 the Chairman of the Virudhunagar Municipal Council shall be appointed by them.

C. B. COTTERELL,
Secretary to Government.

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APPENDIX IX.

[Vide item V.—Communications to the Council at page 57 supra.]

G.O. No. 3360, Law (General), dated 6th November 1925.*Read*—the following paper:—

G.O. No. 3037, Law (General), dated 5th October 1925.

Order—No. 3360, Law (General), dated 6th November 1925.

Under section 72-D (2) (b) of the Government of India Act, His Excellency the Governor is pleased to authorize a further expenditure up to Rs. 2,100 for the continuance of the appointment of Official Referee in the High Court of Judicature, Madras, up to the end of December 1925.

(By order of the Governor in Council)

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Hon'ble the Chief Justice.
 „ Accountant-General (through Finance).
 „ Finance (E.R.) Department.
 „ Finance (Budget) Department.
 „ Secretary, Legislative Council.

APPENDIX X.

[Vide item V.—Communications to the Council at page 57 supra.]

G.O. Mis. No. 1758, Revenue, dated 11th November 1925.

* * * * *

4 As regards the demand of Rs. 4.46 lakhs for loans in the districts of Coimbatore, North Arcot, Salem and Madura, which are said to be affected by bad season, His Excellency the Governor authorizes, under section 72-D (2) (b) of the Government of India Act, an additional expenditure of Rs. 4 lakhs under “Loans and Advances by Provincial Government—Advances to Cultivators.”

* * * * *

(By order of the Governor in Council)

E. W. LEIGH,
Second Secretary to Government.

To the Board of Revenue, Land Revenue and Settlement.
 „ Accountant-General (through Finance).
 „ Finance Department.
 „ Secretary, Legislative Council (paragraph 4 only for being placed on the table of the House).

THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 15th December 1925.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RATHNASWAMY, M.A., Bar.-at-Law) in the chair.

PRESENT:

Ramaswami Ayyar, K.C.I.E., The hon. Sir C. P.
 Marjoribanks, C.S.I., C.I.E., The hon. Mr. N. E.
 Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
 Moir, C.S.I., C.I.E., The hon. Mr. T. E.
 Raja of Panagal, The hon. the.
 Patro, Kt., The hon. Rao Bahadur Sir A. P.
 Sivagnanasu Pillai, The hon. Diwan Bahadur T. N.
 Abdul Hye Sahib, Mr.
 Abdul Wahab Sahib, Mr. M.
 Abdulla Ghatala Sahib, Mr.
 Adisarayana Chettiyar, Mr. T.
 Anjaneyulu, Mr. P.
 Arpudaswami Udyar, Mr. S.
 Arumuga Nadar, Mr. P. K. S. A.
 Biswanath Das Mahasayo, Sriman.
 Boag, Mr. G. T.
 Devendratu, Mr. N.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Gopala Menon, Mr. C.
 Gopalan, Rao Sahib P. V.
 Guruswami, Mr. L. C.
 Haji Masim Sahib Bahadur, Khan Bahadur
 Haji Abd-ul-Ja
 Heggade, Mr. D. Manjappa.
 Kesava Pillai, C.I.E., Diwan Bahadur P.
 Khadir Mobiddin Elyas, Khan Sahib Bahadur.
 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
 Kotu Reddi, Mr. K.
 Krishnan Nayar, Diwan Bahadur M.
 Krishna Rao Pantulu, Rao Bahadur A. S.
 Krishnaswami Nayudu, Rao Bahadur K.
 Kuppuswami, Mr. J.
 Legh, C.I.E., Mr. E. W.
 Madanagopal Nayudu, Mr. R.
 Madhava Raja, Mr. V.
 Madurai, Honorary Lieutenant.
 Mallesappa, Mr. T.
 Marthandam Pillai, Mr. P. N.
 Marudhavanam Pillai, Mr. C.
 Moidu Sahib, Mr. T. M.
 Muniswami Nayudu, Mr. B.
 Murugappa Chettiyar, Rao Bahadur A. M.
 Muttayya Mudaliyar, Mr. O.
 Muttayya Mudaliyar, Mr. S.
 Narasimhaachari, Rai Bahadur T. M.

Narasimha Raju, Rao Bahadur C. V. S.
 Narayanan Nambudripad, Rao Bahadur O. M.
 Narayanaswami Pillai, Mr. P. M.
 Natesa Mudaliyar, Rao Bahadur U.
 Obalesappa, Mr. B.
 Pandrang Rao, Mr. V.
 Peddiraju, Mr. P.
 Ponnuswami Pillai, Mr. K. S.
 Prabhakaran Tampar, Mr. K.
 Premayya, Mr. G.
 Raghuchandra Ballal, Mr. K.
 Raja, Rao Bahadur M. C.
 Raja of Ramnad.
 Rajan, Mr. P. T.
 Rajappa, Mr. P. S.
 Ramachandra Reddi, Mr. B.
 Raman, Rao Bahadur P.
 Ramachari, Rao Sahib K. V.
 Ramalinga Chettiyar, Rao Bahadur T. A.
 Ramalinga Reddi, Mr. C.
 Ramaswami Mudaliyar, Mr. A.
 Rameswara Rao, Mr. G.
 Ranganatha Mudaliyar, Mr. A.
 Ross, Mr. T. M.
 Sagaram, Mr. P.
 Saldanha, Mr. J. A.
 Samuel, Mr. J. D.
 Satyamurti, Mr. S.
 Seturatnam Ayyar, Mr. M. R.
 Sitayya, Mr. M.
 Siva Rao, Mr. P.
 Srinivasa Ayyangar, Mr. R.
 Srinivasan, Rao Sahib R.
 Subbarayan, Dr. P.
 Symons, Major-General T. H.
 Sundaramurti, Rao Sahib P. V. S.
 Uppu Sahib, Mr. K.
 Vaerian, Mr. R.
 Vellingiri Gounder, Mr. V. C.
 Venkatachalam Chettiyar, Mr. S.
 Venkatachala Patayachari, Mr. K.
 Venkatapatirazu, Mr. P. C.
 Venkataramaswami Ayyangar, Mr. C. V.
 Venkatarama Sastriyar, Mr. T. R.
 Venkataratnam, Mr. B.
 Windle, Capt. E. G.
 Zamindar of Kallikota.

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I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Co-operative Societies.

Co-operative Credit Societies and Stores in North Arcot district.

* 1021 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

(a) how many co-operative credit societies and stores are in the North Arcot district solely intended for depressed classes and run by them, stating the qualifications of the presidents and secretaries of such societies;

(b) why no member belonging to the depressed classes was appointed as Honorary Assistant Registrar for the North Arcot district; and

(c) if the Government have no information with reference to clauses (a) and (b), whether they will be pleased to call for the information?

A.—(a) Twenty-four. In one or two of these the Adi-Dravidas are assisted in running the societies by philanthropic gentlemen of other communities who have been specially admitted for that purpose.

The qualifications of the presidents and secretaries of the societies are given below:—

Name of society.		Qualifications of presidents and secretaries.
1. Vellore Basket Makers.		President—Honorary Assistant Registrar, Vellore. Secretary—Telugu Lecturer in the Police Training School.
2. Karigiri		President—An Adi-Dravida Christian cultivator. Secretary—Christian teacher in the village Mission Christian School.
3. Kandipadu		President—A landlord who knows English and Tamil. Secretary—Christian teacher in the Village Mission School.
4. Serkadu Field Labourers.		President—Christian cultivator. Secretary—A Christian pastor.
5. Brahmapuram Field Labourers.		President—An Adi-Dravida cultivator.

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Name of society.	Qualifications of presidents and secretaries.
6. T. Sembarayanallore.	Secretary—Christian teacher in the village Mission School.
7. Sadnpperi Adi-Dravidas.	President—An Adi-Dravida landlord.
	Secretary—An Adi-Dravida pensioned Havildar, a cultivator.
8. Mashar Satyapuram ..	President—Evangelist.
	Secretary—Karnam of the village.
9. Kilsirupakkam Colonization.	President—Nil.
10. Tiruvannamalai Cobblers.	Secretary—Nil.
	Secretary—Nil.
11. Tiruvannamalai Field Labourers	President—Nil.
	Secretary—Nil.
12. Ayyampalaiyam Field Labourers.	President—Nil.
	Secretary—Nil.
13. Gangapattu	Do.
14. Kalamburoheri	President—Nil.
	Honorary Secretary—Village Munsif of Kalambur.
15. Gowthamapet	President—An Adi-Dravida member of the Tirupathur Taluk Board and an Honorary Assistant Registrar.
	Secretary—Member, Tirupathur Bench Court.
16. Georgepet	Secretary—An Adi-Dravida member of the Tirupathur Municipal Council.
17. Nattarampalli chukkers.	President—Nil
	Secretary—Nil.
18. Thenangur Field Labourers.	President—Nil.
	Secretary—Nil.
19. Vadakapakkam Adi-Dravidas.	President—Nil.
	Secretary—A cultivator.
20. Malacheri House-building C. S.	Secretary—Teacher, Mission Elementary School, Vellore.
21. Velam Field labourers.	Secretary—Do. do.
22. Alapakkam East	President—Adi-Dravida Roman Catholic Christian.
23. Udayendiram East	Secretary—Teacher, Udayendiram Mission School.
24. Asamandur	President—Landowner.
	Secretary—School master connected with the Christian Mission Service.

(b) An Adi-Dravida gentleman, M.R.Ry. A. P. Periaswami Pulavar, has been appointed Honorary Assistant Registrar for the year 1925-26.

(c) Does not arise.

Mr. R. VEERIAN:—"Sir, with reference to the answer to clause (a) in items 8 and 14 the village karnam and the village munsif are appointed as secretaries of the co-operative credit societies. May I know whether they are appointed because they are Adi-Dravidas or for any other reason?"

The hon. Diwan Bahadur T. N. SAVAGNANAM PILLAI:—"I have no information, Sir."

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Industries.*Tour of the Industrial Engineer in foreign countries.*

*1022 Q.—Mr. V. C. VELLINGIRI GOUNDER : Will the hon. the Minister for Development be pleased to say—

(a) whether any report has been received from the Industrial Engineer who returned from his tour in America and the Continent for studying the boring operations as the result of his observations ;

(b) whether any boring machine was ordered or purchased there suitable to our country ;

(c) if such machinery has arrived, whether it has been tested ; and

(d) what is the cost of the tour of the officer and the cost of machinery purchased or ordered in detail ?

A.—(a) Yes ; it has been placed on the Editors' Table.

(b) & (c) Yes ; three power drills with suitable tools and appliances have been purchased. The machinery has arrived and is being assembled. One machine is ready for testing.

(d) Details of the cost of the tour have not been furnished by the High Commissioner but he has intimated that the cost will not exceed Rs. 12,500. The three drills purchased with tools and appliances cost about £5,200.

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (d), may I ask the hon. Minister for Development to be good enough to say whether he is now satisfied that the expenditure of Rs. 12,500 was necessary to purchase machinery worth £5,200, and whether the machinery could not have been purchased without this deputation of an officer to tour in America and the Continent for this purpose ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I anticipated some such question and I have the answer ready. The value of the deputation is not to be measured from the purchase of this machinery worth £5,200 but it lies in the fact that we can now confidently purchase more machines. We have now got scientific knowledge of the modern practice of boring in the Continent and America.”

Mr. C. RAMALINGA REDDI :—“ Is the hon. Minister aware that the High Commissioner's office itself is in touch with the experts and that office could have been utilized for this purpose ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ It is only the combination of the local experts with the European experts that will produce the best results.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I know, Sir, in what respects this new machinery differs from the machinery that has hitherto been in use ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ We can make deep boring with less expenditure and the other advantages will be found out when the machinery is put into action.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Have the Engineers inspected the machinery and found out that it really possesses the virtues attributed to it ? ”

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The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" There is a great difference between reading the specifications and personal inspection."

Mr. C. RAMALINGA REDDI :—" May I ask the hon. Minister whether he could not have asked the experts to give specifications and then order for such machinery from abroad ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Our experience in that direction has not been happy."

Mr. C. RAMALINGA REDDI :—" Has any of this machinery so far been tested ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" They will be tested shortly."

Mr. C. RAMALINGA REDDI :—" Therefore the assurance of the hon. Minister is only a presumption of the virtues which are yet to be realized."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" Will the hon. Minister be pleased to place one of these machines at least at the disposal of the local boards ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I shall consider it."

Mr. S. SATYAMURTI :—" Sir, the second part of my supplemental question remains unanswered. May I ask again whether this advantage which the hon. Minister says has accrued to the Government could not have been obtained without the deputation of this officer ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" It is only in that belief that we deputed this officer."

Mr. S. SATYAMURTI :—" Now that the sequel has come to pass, may I know whether that belief was found to be justifiable or whether the Government have found that it was not based on facts at all ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" The Government have found their belief justifiable."

Education.

Cost of the Andhra and other proposed University projects.

* 1023 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education be pleased to state—

(a) what will be the approximate cost of the projected Andhra University and the various items on which the cost will probably be distributed ;

(b) what proportion of this expenditure will be contributed by Government ;

(c) what University projects other than the Andhra University project have been placed before Government ;

(d) whether the Government have decided to support or contemplate supporting any of them ; and

(e) what will be the approximate cost of such an University and what will be the probable Government burden ?

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- 4.—(a) The hon Member will no doubt realize that any estimate of the cost of the proposed University can be only tentative till the University authorities are constituted and they decide what courses and faculties they would organize. The Government have estimated that the ultimate cost of the University including provision for an Engineering College, an Honours Arts College and a Commercial College would be non-recurring about Rs. fifteen lakhs and recurring about Rs. three and a half lakhs. The fee income is estimated at about Rs. two lakhs a year.
- (b) The question of Government contribution is one to be decided with reference to the provisions of the Bill after the University has been constituted and in accordance with the financial exigencies of the Government.
- (c) None.
- (d) & (e) Do not arise.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (a), may I ask what is the meaning of the phrase, 'ultimate cost of the University', whether it refers to that cost which the Government expect to have to incur when the University is completed, or before the University is started?"

The hon. Rao Bahadur Sir A. P. PATRO :—" Ultimate cost means the cost when it is completely organised."

Mr. S. SATYAMURTI :—" Therefore, may I ask the hon. Minister whether it is intended to start the University without the Arts college, the Engineering college and the Commercial college?"

The hon. Rao Bahadur Sir A. P. PATRO :—" It is the University authorities that have to prepare the schemes?"

Mr. S. SATYAMURTI :—" I quite appreciate the point of the hon. Minister, that before spending the money of the people Government must have schemes. But what I am asking is whether the Government are going to start and put these colleges in working order, before the various University authorities are constituted?"

The hon. Rao Bahadur Sir A. P. PATRO :—" As soon as the Bill is approved by the Governor-General it is the University authorities that should inaugurate these schemes and Government will have to co-operate and assist them according to the provisions made in the Act. The initiative should be taken by the Vice-Chancellor and the various bodies that are to be formed."

Mr. A. RANGANATHA MUDALIYAR :—" May I know on what data the hon. the Minister for Education estimated the fee income to be roughly two lakhs of rupees?"

The hon. Rao Bahadur Sir A. P. PATRO :—" A rough calculation was made on the basis of the number of Telugu students reading in Madras and in the Telugu districts."

Mr. A. RANGANATHA MUDALIYAR :—" Will the hon. Minister be good enough to give the number of students?"

The hon. Rao Bahadur Sir A. P. PATRO :—" It is not possible for me to give it offhand; but it is found in the statement of objects and reasons attached to the Bill passed by this House."

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Mr. S. SATYAMURTI :—"With reference to the phrase, 'in accordance with the financial exigencies of the Government' in clause (b), may I ask the hon. Minister whether the contribution will depend purely on the question as to whether they can afford so much money or not, and not upon the needs of the University?"

The hon. Rao Bahadur Sir A. P. PATRO :—"It is evident from the answer that it is not to depend solely on that."

Mr. A. RANGANATHA MUDALIYAR :—"May I ask the hon. Minister whether he expects all these six or seven thousand students to read in the new Andhra University?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I do not know under what clause the hon. Member is asking this question."

Mr. A. RANGANATHA MUDALIYAR :—"I ask this with reference to the number of students whom the hon. Minister expects to study in one or other of the colleges of the Andhra University, as presumably on that basis he has calculated the fee income to be two lakhs of rupees."

The hon. Rao Bahadur Sir A. P. PATRO :—"It is evident that the calculation ought to be made only on the basis of the number of students."

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to clause (c) may I know whether the Government have not received any scheme regarding the Tamil University?"

The hon. Rao Bahadur Sir A. P. PATRO :—"We are now speaking about the Andhra University, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The question refers also to 'University projects other than the Andhra University project' such as the Tamil University, the Kanarese University or the Malayalam University. May I know whether Government have received any projects regarding any of these universities?"

The hon. Rao Bahadur Sir A. P. PATRO :—"There are no university proposals placed before the Government as yet."

Mr. S. SATYAMURTI :—"Sir, with reference to clause (d) of the question, 11-15 I agree that so far as the Government are concerned, they have no projects before them, but the question is, whether the Government contemplate supporting any of them. May I ask the hon. Minister for Education whether he is absolutely ignorant of the scheme of the Tamil University about which his hon. Colleague to his left has been anxious, and whether the Government do not contemplate giving any financial assistance to the university which is to come soon?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"Sir, the Colleague to the left said nothing about the Tamil University or any particular scheme regarding it, but only referred to the abstract ideas that ought to underlie all such efforts."

Mr. S. SATYAMURTI :—"I am sorry the hon. the Law Member is appropriating to himself what was not intended for him. I was referring to the

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Colleague much nearer to the hon. Minister's left, immediately to his left, I mean the hon. Minister for Development who is actively interested in the scheme."

The hon. Rao Bahadur Sir A. P. PATRO :—"There is no scheme placed before the Government to my knowledge."

Excise.

Enquiry into the quality of liquor in South Kanara.

* 1024 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education be pleased to state—

(a) whether the hon. Minister enquired into the quality of the various kinds of liquor sold in retail or stored in depots in South Kanara during his recent tour in that district ; and

(b) whether he visited any of the liquor depots and shops and saw for himself what sort of liquor was in store in them ?

A.—(a) & (b) The answer is in the negative.

Mr. T. ADINARAYANA CHETTIYAR :—"Is the hon. Minister aware that there have been loud and persistent complaints about the quality of the liquor supplied in South Kanara, especially that supplied by the European firm, Messrs. Parry & Co. ?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The hon. Member for South Kanara, Mr. Saldanha, raised the question some time ago. The quality of the liquor supplied was enquired into personally by the Commissioner ; experiments have been made and it was found that the quality was not as bad as it is described here."

Mr. C. RAMALINGA REDDI :—"May I ask why the hon. Minister did not himself visit the liquor shops ?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I thought the representatives of the area would have better facilities for doing that."

Mr. J. A. SALDANHA :—"I want to know in what capacity the hon. Minister visited the place, as the Minister for Excise or for Education. If it was as the Minister for Excise, is it not necessary that he should have made personal enquiries as to the quality of the liquor supplied there ?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Unfortunately, the hon. Member was absent from Mangalore ; or else I would have had his assistance and advice in the matter."

Mr. C. RAMALINGA REDDI :—"May I suggest that my hon. Friend the Minister is the Education Minister during day and the Excise Minister during the evening ?"

The hon. the PRESIDENT :—"Order, order."

Selection of sites for toddy and arrack shops near Ambur.

* 1025 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state whether any other than the sites actually selected were selected for the location of the present toddy and arrack shops, which are now located near Ambur, North Arcot district, Adi-Dravida quarters, before auction takes place for the next year ?

A.—The Government have no information but will enquire,

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Public Works.

Memorials from P.W.D. officials in Waltair Circle.

* 1026 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Education be pleased to state whether the Government have received a memorial from some clerks and lower subordinates of the Public Works Department working in Waltair circle complaining against the Superintending Engineer's Circular No. 1143-G1., dated 6th April 1923, directing that persons of Brahman community alone should be ousted irrespective of service when the services of temporary and acting men are to be dispensed with, and, if so, what action they have taken on the same?

A.—The Government have received advance copies, but will not deal with the memorials until they have been sent up by the Chief Engineer with his remarks.

Mr. C. V. VENKATARAMANA AYYANGAR:—"Evidently the answer seems to have been sent over a month ago. May I know whether the Chief Engineer has sent his remarks after that?"

The hon. Rao Bahadur Sir A. P. PATRO:—"No, not yet."

Registration.

Alleged special promotion of Mr Bishnab Charan Das.

* 1027 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that one Mr. Bishnab Charan Das who was getting only Rs. 80 in the Registration Department was promoted to a place over many seniors carrying a salary of Rs. 160 a month;

(b) the reasons for this special treatment; and

(c) whether he was given this lift from 1st July 1924 and if so, the reasons therefor?

A.—(a) Yes.

(b) Sriman Bishnab Charan Das Mahasayo belongs to the Oriya community which is not adequately represented in the higher ranks of the Registration Department; he is reported to be more efficient than others. Appointments to the upper grade are made by selection.

(c) Yes; the promotion was given effect to from 1st July 1924, the date on which the vacancy occurred. The Government Order sanctioning this was issued on 15th September 1924.

Mr. S. SATYAMURTI:—"May I ask the hon. Minister to say whether there are members belonging to the Oriya community above this gentleman in the service, non-Brahmans, and with better qualifications?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The answer says that he is more efficient than others."

Mr. S. SATYAMURTI:—"I know that, Sir. May I ask by whom was that reported?"

The hon. Rao Bahadur Sir A. P. PATRO:—"By the head of the department."

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Mr. S. SATYAMURTI:—"May I ask who took the initiative in the matter?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The same officer."

Mr. S. SATYAMURTI:—"May I ask whether this gentleman helped the Minister in his election campaign?"

The hon. the PRESIDENT:—"Order, order. That question does not arise."

Mr. S. SATYAMURTI:—"May I ask the reason why you rule it out of order, Sir? My suggestion is that this gentleman was promoted to a higher grade, because of the obligations which the hon. Minister owed to the gentleman during his election campaign?"

The hon. the PRESIDENT:—"That question does not arise because the hon. Minister has already said that the initiative came from the head of the department."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know how many Oriyas are employed in the Registration department or is he the only man?"

The hon. Rao Bahadur Sir A. P. PATRO:—"There are a number of them and they are to be found in the list."

The RAJA OF RAMNAD:—"Are Sub-Registrars exempted from the general prohibitory rule that no Government servant can take part in elections?"

Rao Bahadur C. NATESA MUDALIYAR:—"According to the Government Order, is it not that community which has not been represented that should be selected for the selection grade?"

Mr. SAMI VENKATACHALAM CHETTIYAR:—"If, according to the answer of the hon. Minister to my hon. Friend, Dr. Natesa Mudaliyar, there are a number of Oriya gentlemen, why should he consider that that community was not adequately represented?"

Appointment of upper grade probationary Sub-Registrars.

* 1028 Q.—Mr. S. SATYAMURTI. Will the hon. the Minister for Education be pleased to state—

(a) whether the Government proposed to appoint two upper grade probationary sub-registrars;

(b) whether the sub-registrars now in service have protested against this; and

(c) if so, what action the Government propose to take thereon?

A.—(a) Yes.

(b) Yes.

(c) The matter is engaging the attention of the Government.

Memorials and deputation from Sub-Registrars.

* 1029 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government have received several memorials from sub-registrars and whether he received a deputation recently on their behalf;

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(b) whether one of the requests on behalf of the sub-registrars was that the direct recruitment of two selection grade sub-registrars every year should be stopped and, if so, what reply has been given by him on this point and whether the Government have come to a final decision on the matter; and

(c) whether another of their requests was that their scale of pay was fixed with reference to those fixed for officers of similar status but that their pay has not been increased in the same way as that of others and, if so, what reply has been given by him and whether the Government have come to a final decision on the matter?

A.—(a) Yes.

(b) Yes; the subject is engaging the attention of the Government.

(c) A representation was made about the increase of pay at present sanctioned: the question is under examination.

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether, after the answer has been sent, any of the points have been decided?"

The hon. Rao Bahadur Sir A P PATRO:—"No."

Local Boards and Municipal Councils.

Interference of the Local Self-Government Minister in municipal elections.

* 1030 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Minister for Local Self-Government and the hon. the Law Member be pleased to state—

(a) whether it is a fact that the hon. Minister for Local Self-Government went canvassing from door to door for the Justice Party candidate in the recent municipal election for the Seven Wells division; and

(b) whether there are any rules preventing Ministers from interfering with elections in this manner?

A.—(a) No.

(b) There are no rules which prevent Ministers as such from taking part in municipal elections.

Mr. R. SRINIVASA AYYANGAR:—"Arising out of the answer to the first part of the question, may I ask the hon. Minister to state whether he did canvass at all—if he did not canvass from the door to door, whether he went to any door or doors, as the case may be, and whether he did or did not take part in the municipal elections?"

The hon. the RAJA OF PANAGAL:—"I do not quite understand what the hon. Member means by 'taking part in the elections'. I was invited by one or two of my friends for a tea party during the time of the elections and I went there. We had a talk about the election and I did express to them that I would be glad if a particular candidate was returned."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"May I know if the hon. Minister was invited by one Duraiswami Nayudu in Govindappa Naicken street?"

The hon. the RAJA OF PANAGAL:—"I said that I was invited."

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Mr. SAMI VENKATACHALAM CHETTIYAR :—" Am I to take it that that gentleman invited the hon. Minister? I know the hon. Minister was invited by the Dubash of Gordon Woodroffe & Company but not by Duraiswami Nayudu to whose house the hon. Minister went and canvassed for this gentleman."

The hon. the RAJA OF PANAGAL :—" Sir, I have already said I was invited by a particular gentleman—a resident of the ward, but I did not say by whom I was invited. I remember it was Mr. Parthasarathi Mudaliyar that invited me. A number of friends who met me at the tea party expressed their desire to see their candidate returned. I too joined them."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Sir, it does arise in view of the denial he has made that he has canvassed for the candidate of the Justice party."

The hon. the RAJA OF PANAGAL :—" Sir, the denial is of canvassing from door to door "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" So, am I to understand that the hon. Minister for Local Self-Government did canvass, if not from door to door for the Justice candidate? "

The hon. the PRESIDENT :—" I do not think the hon. Minister denies that."

Mr. C. RAMALINGA REDDI :—" May I ask if there are any rules prohibiting the Ministers and other holders of political offices from taking part in elections? "

The hon. the RAJA OF PANAGAL :—" Absolutely none."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know if this is the only instance in which the hon. Minister has taken part in the municipal elections? "

The hon. the RAJA OF PANAGAL :—" I am not prepared to answer that question. That does not arise from the answer given nor is it a part of the original question itself."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know whether the hon. Minister has not called at one Mr. C. V. Raghava Chetti and asked him to stand for a particular ward? "

The hon. the PRESIDENT :—" In connexion with what election? "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" With the recent municipal elections."

The hon. the PRESIDENT :—" For the Seven Wells division? "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" No."

The hon. the PRESIDENT :—" We are only on the Seven Wells division."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Oh! we are only in Seven Wells! " (Laughter.)

Mr. S. SATYAMURTI :—" Arising from the hon. Minister's answer to my hon. Friend, the Member for Chittoor as to whether there are any rules governing the conduct of Ministers with regard to elections, I am asking for information as to whether the rules prohibiting public servants from taking

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part in elections have been specially declared to be not applicable to the Ministers, or whether the hon. Minister is saying it according to political conventions which ought to exist."

The hon. the **RAJA OF PANAGAL** :—"The rules apply only to the permanent officials. And Ministers are not permanent officials."

Mr. T. ADINARAYANA CHETTIYAR :—"May I ask the hon. Minister whether he has ascertained whether in other provinces also Ministers canvass?"

The hon. the **PRESIDENT** :—"That question does not arise."

Mr. S. SATYAMURTI :—"May I ask the hon. the Law Member, because it is a matter governing elections and I am interested in knowing it, whether these rules prohibiting public servants—I believe that is the phrase used—from taking part in the elections and influencing votes one way or the other apply only to the permanent servants and do not apply to the Ministers or the Secretaries or other such officers; if so, whether there is any written rule to that effect, and if he will kindly place it on the table of the House?"

The hon. **Sir C. P. RAMASWAMI AYYAR** :—"I want notice, Sir."

Rao Bahadur C. NATESA MUDALIYAR :—"May I know whether in all countries in the world Ministers are not Leaders of parties?"

The hon. the **PRESIDENT** :—"Yes, yes. But it is a distant cry from the Seven Wells division to all countries in the world." (Laughter)

Rao Bahadur C. NATESA MUDALIYAR :—"Is it not the duty of the leader of the party to go if invited to see people of his own party?"

The hon. the **PRESIDENT** :—"Yes. That is an interesting question, but it does not arise." (Laughter)

Unsatisfactory condition of the road from Charmudi village to Mysore frontier.

* 1031 Q.—**Mr. J. A. SALDANHA**. Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the road from the Charmudi village to the Mysore frontier in South Kanara is still in a state of utter disrepair and unfit for vehicular traffic;

(b) what steps have been taken to repair it;

(c) what steps are being taken to prevent the road being almost washed away after every heavy outburst of rain; and

(d) whether the grant is sufficient for a ghat road repair?

A.—(a), (b) & (c) The attention of the hon. Member is invited to the report of the President, District Board, South Kanara, placed on the Council table with reference to question No. 1031 answered in October 1924. The Government have no further information on the subject.

(d) The Government give to the District Board a lump sum grant subject to a certain maximum towards the repair of second-class roads. It is open to the District Board to spend the total sum available as it thinks best and to increase the amount spent by the Board on these roads from its own funds to such sum as it finds to be required.

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Mr. J. A. SALDANHA :—" This question was sent to the department on the 17th October and the Government still say that they have no fresh information and with reference to the first three subdivisions of the question refer me to the order passed in October 1924. May I ask whether in view of the fact that they had much time at their disposal for the inquiry, they had made any inquiry ? "

The hon. the RAJA OF PANAGAL : --" There was no information forthcoming."

Mr. J. A. SALDANHA :—" There was more than a month's time and the question related to an important traffic road between Mysore and South Kanara which has been in a state of disrepair. When I have asked the question and when there was time at their disposal, may I know why the Government could not have made inquiries from the local officers ? "

The hon. the RAJA OF PANAGAL :—" The Government did not think it necessary to make an enquiry into the matter because it is a matter within the administration of the local body."

Mr. J. A. SALDANHA :—" When the local bodies have forgotten their obvious duties and when a question is asked of the irregularity and neglect of duty by those bodies, is it not fair to this House that an enquiry should be made by the Government."

The hon. the RAJA OF PANAGAL :—" It is for the electorate to teach them a lesson and it is not for Government to interfere with the details of the local administration."

Election of Mr. P. V. Nataraja Mudaliyar as member of the Madras Corporation.

* 1032 Q.—Mr. S SATYAMURTI. Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has taken legal opinion on the question whether Mr. P. V. Nataraja Mudaliyar, a salaried official of the Government, can be an elected member of the council of the Corporation of Madras ;

(b) if so, what the opinion was ; and

(c) if not, why not ?

A.—(a) The Law Department of the Government was consulted.

(b) The opinion given was that a Commissioner of the Board of Commissioners for Hindu Religious Endowments is not disqualified either under the Madras City Municipal Act, 1919, or under the Madras Hindu Religious Endowments Act, 1925, from standing for election to the Madras Corporation.

Mr. S. SATYAMURTI :—" With reference to clause (a), I want some more light from the hon. the Minister for Local Self-Government, whether it is open to him to consult the Advocate-General as and when he chooses, to consult the Law Department as and when he chooses, and then say that he has taken legal opinion. May I ask if there is any rule, custom or convention by which in such matters either the Advocate-General or the Law Department should be consulted ? "

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The hon. the RAJA OF PANAGAL :—" In cases of intricate nature the Government generally refer the question to the Advocate-General but in ordinary routine work, whenever they have any doubt in regard to points of law, they generally refer cases to the Law Department."

Mr. S. SATYAMURTI :—" May I ask whether the hon. Minister considered it a difficult question of law, or whether he considered it to be a routine matter and therefore could be disposed of by the Law Department ? "

The hon. the RAJA OF PANAGAL :—" The Government did not consider the question to be as difficult as the hon. Member for the University thinks."

Mr. S. SATYAMURTI :—" I am not surprised at it, Sir. But, may I ask what is meant by the Law Department ? I want to know what this mysterious phrase ' Law Department ' means. Does it mean—I am merely illustrating—the opinion of a clerk of the upper grade, it may be, writing some note, signed by the Secretary and going with the seal of the Fort St. George or is it the opinion of any lawyer retained by the Government to advise them ? "

The hon. the RAJA OF PANAGAL :—" There are lawyers in the department."

Mr. C. RAMALINGA REDDI :—" May I ask specifically my hon. Friend the Leader of the House whether he minuted on the question."

The hon. Sir C. P. RAMASWAMI AYYAR :—" These are matters pertaining to the details of inter-departmental work ; and normally Government does not answer questions on these matters. But I may say that ' Law Department ' has no special reference to the Law Member."

Mr. A. RANGANATHA MUDALIYAR :—" May I know, Sir, when the members of the Corporation are classified as officials and non-officials, into what category this gentleman is put ? " 11-30 a.m.

The hon. the RAJA OF PANAGAL :—" He is a non-official."

Mr. C. RAMALINGA REDDI :—" May I know if this commissionership is a full-time office or a part-time office ? "

The hon. the RAJA OF PANAGAL :—" It is not an appointment under the Crown. It is a full-time appointment."

Mr. C. RAMALINGA REDDI :—" If it is a full-time appointment, may I ask how it happens that this gentleman has been asked to take upon himself other duties also which detract from his full-time occupation in the Hindu Religious Endowments Board ? "

The hon. the RAJA OF PANAGAL :—" The President of that Board recommended his taking up the other duties."

Mr. A. RANGANATHA MUDALIYAR :—" If as admitted by the hon. the Minister for Local Self-Government Mr. Nataraja Mudaliyar is a full-time official of the Government, how is it then that he does not come in the list of officials ? "

The hon. the RAJA OF PANAGAL :—" I did not say that he was a Government official. On the other hand, I said that he was not a public servant under the Crown."

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Mr. C. RAMALINGA REDDI :—“ May I know whether this gentleman was not appointed by the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Yes, he was appointed by the Government.”

Mr. C. RAMALINGA REDDI :—“ When he has been appointed by Government and if he has been appointed as a full-time Commissioner of the Board, how happens it that the Government did not take objection to this gentleman engaging himself in other occupations ? ”

The hon. the RAJA OF PANAGAL :—“ My hon. Friend from Chittoor assumes that all appointments made by Government are Government appointments.”

Mr. C. RAMALINGA REDDI :—“ I did not make that assumption. What I did say was this. If the Government make the appointment and if the appointment is a full-time one, how happens it that the Government did not take objection to this gentleman engaging himself in other occupations and ask him to resign his appointment on the Endowments Board ? ”

The hon. the RAJA OF PANAGAL :—“ In the first place, though the appointment is made by the Government, it is not a Government appointment. It is not an appointment under the Crown. So far as his fitness and advisability to be a member of the municipal corporation is concerned, it is the President of the Board that can judge as to whether he could afford the time after doing his work as a Commissioner of the Endowments Board and whether he can attend to the duties of a member of the corporation. The President recommended his standing for election.”

Mr. C. RAMALINGA REDDI :—“ I am afraid my hon. Friend has not quite grasped the point I was endeavouring to make. It is this. It is a full-time appointment, and the appointment is made by the Government. How happens it that the Government have tolerated this gentleman engaging himself in some other occupation ? It does not matter who has recommended and who has not. They must insist on the conditions of full time in respect of this appointment.”

The hon. the RAJA OF PANAGAL :—“ In the first place, the salary of this officer is not paid by the Government. It is a membership on the Board and the President of the Board had no objection to his standing for election, and the electorate elected him. The Government have absolutely nothing to do in the matter.”

The RAJA OF RAMNAD :—“ May I ask the hon. the Minister whether this Board is a Government department or a corporate body ? ”

The hon. the RAJA OF PANAGAL :—“ It is a corporate body.”

Mr. C. RAMALINGA REDDI :—“ May I know how the appointments to this Board are made ? Are they made by the Board or by the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Appointment of whom ? ”

Mr. C. RAMALINGA REDDI :—“ Of Commissioners.”

The hon. the RAJA OF PANAGAL :—“ Appointments of Commissioners have to be made by the Government under the provisions of the Act.”

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Mr. S. SATYAMURTI :—" Sir, again and again in the course of his answers the hon. the Minister referred to the President. I presume he means Sir T. Sadasiva Ayyar. I am now asking the hon. the Minister how comes it that this gentleman was consulted on this matter, what locus standi he has to advise the Government as to the eligibility of this gentleman (Mr. Nataraja Mudaliyar), why he was consulted, and what his recommendation was."

The hon. the **RAJA OF PANAGAL** :—" He was not consulted by the Government. But he reported that a particular member of the Board was anxious to stand for election and that he had no objection to his being allowed to stand. The recommendation was contained in his report and it was not given at the instance of the Government."

Mr. C. V. VENKATARAMANA AYYANGAR :—" If this gentleman was not a Government servant, why did the matter at all come up before the Government with or without the recommendation of the President? Is it for courtesy?"

The hon. the **RAJA OF PANAGAL** :—" It is not by courtesy. The provision of law requires it."

Mr. C. RAMALINGA REDDI :—" Do I understand my hon. Friend the Minister to say that the Government in this particular instance waived the condition that the Commissioner should be a full-time officer on the Board?"

The hon. the **RAJA OF PANAGAL** :—" There is no question of waiving; it is one of exercising discretion."

Mr. R. MADANAGOPAL NAYUDU :—" Is the hon. the Chief Minister aware of the fact that one of the interpreters of the High Court has been permitted by the High Court to stand for one of the municipal elections?"

The hon. the **RAJA OF PANAGAL** :—" I am not aware of it, Sir."

Mr. S. SATYAMURTI :—" May I ask the hon. the Minister if he is aware that it has been ruled that this gentleman cannot be elected a trustee of the Pachaiyappa's Charities because he is a Commissioner of the Hindu Religious Endowments Board, and also whether he is aware that Public Prosecutors who are part-time Government servants have been ruled to be public servants ineligible for seats on this Council?"

The hon. the **RAJA OF PANAGAL** :—" No, Sir. On the other hand, my information is otherwise, to the effect that Public Prosecutors are eligible for seats in the Councils."

Mr. S. SATYAMURTI :—" With regard to the first part of my question, may I ask the hon. the Minister for Local Self-Government to be good enough to say if he is aware that this gentleman has been ruled to be ineligible for holding the post of trustee of the Pachaiyappa's Charities on this ground?"

The hon. the **RAJA OF PANAGAL** :—" I am not aware of that. I do not know what it is, and I am not interested to know it."

Mr. S. SATYAMURTI :—" In view of these supplementary questions, may I now ask the hon. the Minister for Local Self-Government to have a little less faith in his omniscience and consult the Advocate-General and find out what his opinion on this point is?"

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The hon. the RAJA OF PANAGAL :—" I do not think that as yet the hon. the Member for the University has made out a case for the Government taking the opinion of the Advocate-General."

Mr. S. SATYAMURTI :—" May I know whether this gentleman belongs to the Justice party ? "

The hon. the RAJA OF PANAGAL :—" I refuse to answer that question."

Salary of the Commissioner, Madras Corporation.

* 1033 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Council of the Madras Corporation recommended that the salary of the Commissioner of the Corporation may be fixed at Rs. 2,000 a month ;

(b) if so, the reasons why the Government have fixed it at Rs. 2,500 a month ; and

(c) whether the Government considered the financial position in deciding this matter ?

A.—(a) Yes.

(b) The pay has been fixed at Rs. 2,000—250 (annual)—2,500.

(c) Yes.

Elections of the Union Board of Tekkali.

* 1034 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has received a petition from Mr. T. Sambamurti of Tekkali in the Ganjam district regarding the elections of the Union Board of Tekkali ;

(b) what action the Government has taken thereon ; and

(c) if no action has been taken, the reasons therefor ?

A.—(a) Yes.

(b) & (c) The President, District Board, was informed that he might make an inquiry into the matter with the help of a committee formed by the district board if so desired.

Mr. S. SATYAMURTI :—" With reference to the answer to clauses (b) and (c) of this question, may I ask the hon. Minister if subsequent to this answer which I see was received on 23rd November 1925, the Government have any information as to whether an inquiry has been started ? "

The hon. the RAJA OF PANAGAL :—" No."

Vacancy in Trichinopoly District Board.

* 1035 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the seat in the District Board, Trichinopoly, hitherto occupied by Mrs. Hilda Gnanadurai, M.A., has now fallen vacant ;

(b) whether the President of the District Board has recommended that Mr. Rajaram Rao should be nominated to that place ; and

(c) whether he has received a copy of a memorial addressed by one Mary Samuel to the Governor asking that the place should be filled up by a lady and if so, the action the Government propose to take thereon ?

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A.—(a) Yes.

(b) No ; to another vacancy.

(c) Yes ; the vacancy has already been filled.

Mr. S. SATYAMURTI :—“ With reference to the answers to clauses (b) and (c) of this question, may I ask first whether Mr. Rajaram Rao has been appointed and if so to which vacancy, and secondly how the vacancy referred to in clause (c) has been filled up ? ”

The hon. the RAJA OF PANAGAL :—“ I do not quite follow and see what the question really is.”

Mr. S. SATYAMURTI :—“ Well, Sir, I shall put my questions one by one. I want to know whether Mr. Rajaram Rao has been nominated to the District Board.”

The hon. the RAJA OF PANAGAL :—“ He has been nominated.”

Mr. S. SATYAMURTI :—“ May I know to which vacancy ? ”

The hon. the RAJA OF PANAGAL :—“ I cannot say that offhand. If the hon. Member gives notice of the question, I shall try to furnish the information required.”

Mr. S. SATYAMURTI :—“ Is it not the vacancy caused by efflux of time, and has not Mr. Macqueen been appointed to this vacancy ? ”

The hon. the RAJA OF PANAGAL :—“ I cannot say that offhand. If the hon. Member gives notice of the question, I shall try to furnish the information required.”

Mr. S. SATYAMURTI :—“ Have any memorials been sent up to the Government ? ”

The hon. the RAJA OF PANAGAL :—“ Not on this point.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards clause (c), may I know how the vacancy has been filled up ? Is it by the appointment of the Collector ? ”

The hon. the RAJA OF PANAGAL :—“ I think the Collector has been appointed.”

Mr. S. SATYAMURTI :—“ May I ask whether a lady has been appointed ? The memorial referred to was to the Government or Governor asking that the place should be filled up by a lady. Is the Collector a lady ? ”

The hon. the RAJA OF PANAGAL :—“ No, Sir. The Collector is not a lady. Probably time may come when Collectors may be ladies, but at present the Collector of Trichinopoly is not a lady. (Laughter.) My impression, Sir, is that the lady's application referred to in the question came in after the seat was filled up.”

Khan Bahadur P. KHALIF-UL-LA SAHIB :—“ Is it to a Brahman vacancy that Mr. Rajaram Rao was appointed ? ”

Mr. C. RAMALINGA REDDI :—“ What is a Brahman vacancy, Sir ? ”

The hon. the RAJA OF PANAGAL :—“ The vacancies are not earmarked for particular individuals.”

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The RAJA OF RAMNAD :—"The hon. the Minister said that the lady's application came in after the seat had been filled up. Was it his intention to fill up the vacancy by appointing a lady?"

The hon. the RAJA OF PANAGAL :—"These seats are not reserved. Vacancies occur and members are appointed. It is not that a seat vacated by a lady should be given to a lady. Another seat, if available, may be given to a lady."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"May I know if the hon. the Minister for Local Self-Government expects applications from ladies for appointments, and whether he encourages such applications?"

The hon. the RAJA OF PANAGAL :—"The Government have to know whether there are ladies competent and willing to serve on the bodies."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"Was there any special case made out for the nomination of a Brahman to the District Board, Sir?"

The hon. the RAJA OF PANAGAL :—"The President of the District Board recommended that he is a very deserving man and that his services will be of great use in the good administration of the District Board."

Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"Is the President a Brahman, Sir?"

The hon. the RAJA OF PANAGAL :—"He is, Sir."

Mr. C. RAMALINGA REDDI :—"Is the hon. the Minister a Brahman, Sir?"

The hon. the RAJA OF PANAGAL :—"He is not, Sir."

The hon. the PRESIDENT :—"I must ask hon. Members not to put such obvious questions, as to whether the Collector of Trichinopoly is a lady and whether the hon. the Raja of Panagal is a Brahman or not, etc."

Mr. M. R. SETURATNAM AYYAR :—"Are the Government aware of the fact that there are no Christians in the board, nor are there other unrepresented minorities, and yet the existing vacancies are filled up by the Collector and Mr. Rajaram Rao?"

The hon. the RAJA OF PANAGAL :—"Minorities are, I am informed, well represented in the board."

Mr. M. R. SETURATNAM AYYAR :—"There is not even a Christian in the board now."

Mr. S. SATYAMURTI :—"May I ask the hon. the Minister to be good enough to give the reasons why a seat till now filled up by a lady and for which an application was sent up—whether it was in time or out of time nobody knows—was not given to a lady, when the lady who was prepared to put in an application would have been easily found out, if any honest attempt was made by the authorities to find out a lady?"

The hon. the RAJA OF PANAGAL :—"There was a vacancy. That vacancy, as I have already said, is not earmarked for a lady. But the President recommended another on the ground that he was pre-eminently fit to help the administration of the board and the Government accepted the recommendation. If the lady had applied in time, probably the Government might have considered her application. The application came, so far as I remember, after the appointment was made."

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Mr. T. ADINARAYANA CHETTIYAR :—" Did the hon. the Minister ascertain that the services of this gentleman were pre-eminently indispensable or did he merely take the recommendation of the President of the district board to that effect ? "

The hon. the RAJA OF PANAGAL :—" I do not think, Sir, that I need answer that question."

Mr. M. R. SETURATNAM AYYAR :—" Was not the first vacancy that of the Collector and was not the second vacancy that of a lady? The first was filled up by Rajaram Rao and the second by the Collector."

The hon. the RAJA OF PANAGAL :—" Sir, I am not very good in remembering these details. This took place some time back, and I do not remember which seat was given to which person. I know that the Collector was nominated, and I also know that Mr. Rajaram Rao was nominated. But which seat was given to which I am not in a position to answer now."

Sriman BISWANATH DAS Mahasayo —" May I know whether there were other Brahmans in this district board as members ? "

The hon. the RAJA OF PANAGAL :—" There are, Sir."

Mr. T. ADINARAYANA CHETTIYAR .—" May I ask the hon. the Minister whether this pre-eminently indispensable gentleman has been nominated and renominated several times ? "

The hon. the RAJA OF PANAGAL :—" I cannot say that "

Mr. T. ADINARAYANA CHETTIYAR .—" At least three times ? "

The hon. the RAJA OF PANAGAL —" I do not think he was nominated thrice."

Sweepers of Rasipuram Agraharam Road.

* 1036 Q.—Mr. R. VEERIAN: Will the hon the Minister for Local Self-Government be pleased to state by what class of people the sweeping work of Rasipuram agraharam road maintained by the Rasipuram Union Board, Salem district, is done ?

A.—The Government have no information in the matter.

Mr. R. VEERIAN .—" Sir, with reference to my main question the answer is that the Government have no information in the matter. This is a question involving the right of entry into the Rasipuram agraharam road. With that idea in view I put that question. Therefore, now, considering the importance of the matter, may I know whether the Government will be pleased to make enquiries into the matter ? "

The hon. the RAJA OF PANAGAL :—" The request will be considered, Sir."

Improvement towards water-supply for the depressed classes of Ponnapuram.

* 1037 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that owing to severe water scarcity the members of the depressed classes of Ponnapuram, hamlet of Mudalipalayam near Tiruppur, Coimbatore district, are obliged to migrate from that place ;

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(b) whether it is a fact that the Tiruppur Taluk Board has not done anything by way of providing water for the depressed classes either by providing them with a new well or deepening the existing well, though the matter was reported to the Board several times; and

(c) whether it is a fact that the Board are asking the people to contribute half of the total cost for any improvement towards water-supply?

A.—(a), (b) & (c) The Government have no information.

*Water-tap and lanterns for Adi-Dravidas in Thalayattam
Adi-Dravida cheri.*

* 1038 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that though the Gudiyattam Municipal Council passed a resolution about four months ago to erect a water-tap and lanterns for the convenience of Adi-Dravidas in the Thalayattam Adi-Dravida cheri within the Gudiyattam municipality no action was taken upon the resolution by the Chairman; and

(b) if so, what is the reason for such a long delay?

A.—(a) & (b) The Government have no information.

MR. R. VEERIAN:—“Here again, Sir, I find that the answer of the Government is that they have no information. I have brought this matter specially to the notice of the Local Self-Government Department a fortnight ago in connexion with not giving effect to the resolution of the Gudiyattam municipality, a resolution passed about eight months ago. May I know whether the Government have already made any inquiries and if not, whether they will be pleased to make any inquiries into the matter now?”

THE HON. THE RAJA OF PANAGAL:—“In this case, Sir, I am afraid I have to deny myself the pleasure of complying with the request of the hon. Member, because it is a matter left to the discretion of the local body and, the Government think, is one in which they need not interfere. I would advise the hon. Member to move the local body concerned.”

MR. R. VEERIAN:—“May I know whether, if the local body does not give effect to a resolution passed by it and if the matter is brought to the notice of the Government the Government, cannot enquire or at least refer the matter to them as a matter of courtesy?”

Amendment of the District Municipalities Act and the Local Boards Act.

* 1039 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is the intention of the Government to bring any Bill for amending the District Municipalities Act and the Local Boards Act in the near future, or at any time in the life-time of the present Council and if so, when; and

(b) whether the Government have any intention of re-introducing the Bill to amend these two Acts that was pending in the last Council at the time of its dissolution and if not, what are the reasons for the same?

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A.—(a) The hon. Member is referred to the answer given on the 28th October 1925 to question No. 507 put by the hon. the Raja of Ramnad.

(b) The Bills are under revision and they will be introduced in the Legislative Council after due publication as soon as the revision is completed.

Mr. C. V. VENKATARAMANA AYYANGAR :—“As regards the answer to clause (b), may I know whether there is any chance of these Bills being introduced in this Council before its dissolution?” 11-46 a.m.

The hon. the RAJA OF PANAGAL :—“There is every chance for it.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“Remembering the fate of these Bills in the last Council, may I ask if these Bills will be introduced sufficiently early so that they may be passed before this Council is dissolved?”

The hon. the RAJA OF PANAGAL :—“Yes, Sir. Every endeavour will be made to introduce them as early as possible”

Public Health.

Introduction of a Bill for compulsory re-vaccination.

* 1040 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he contemplates introducing a Bill advocating compulsory re-vaccination; and

(b) if so, when the Bill is likely to be introduced?

A.—No such Bill is under contemplation at present.

Circular to Health Officers regarding alcoholic drink.

* 1041 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Local Self-Government and the hon. the Minister for Education be pleased to state—

(a) whether any order or circular has been issued to the officers of the Health Department that they shall not preach against the evil effects of alcoholic drink on the health of man; and

(b) what has occasioned this order or circular?

A.—(a) & (b) On the 12th July 1924, the District Board of Kistna passed a resolution that the Health Department should teach against the drinking of liquors and the President asked the Government to issue orders to the Health Department accordingly.

The Taluk Boards of Tanjore and Markapur in response to a circular issued by the President of the Madras Temperance League, passed a resolution :—“That the Board requests its members and officers to undertake vigorous anti-drink propaganda in the area under their jurisdiction through the Health Department in co-operation with public bodies working for the cause of temperance by issuing leaflets, exposing the evils of drink, and delivering lectures with the help of magic lantern

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slides, etc." The Health Officers employed in these areas asked the Director of Public Health whether they were to act in accordance with these resolutions. The Director of Public Health submitted the correspondence to the Government which decided that the Public Health staff should not be employed to carry on propaganda against the use of alcoholic liquor.

Mr. S. SATYAMURTI :—" With reference to the last sentence in the answer to this question, may I ask the hon. the Ministers concerned to be good enough to state the reason why they decided that the public health staff should not be employed to carry on propaganda against the use of alcoholic liquors ? "

The hon. the RAJA OF PANAGAL :—" They have other duties more appropriate to perform."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I know from the hon. the Minister whether the public health staff in the districts are not instructed to carry on propaganda work in regard to health matters ? "

The hon. the RAJA OF PANAGAL :—" Yes, Sir, they are instructed."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I know from the hon. the Minister if the public health staff have to submit periodical reports regarding propaganda work carried on by them to the Director of Public Health who again has to report to the Government ? "

The hon. the RAJA OF PANAGAL :—" The Government thought that the staff should not be encouraged to go about preaching total prohibition which is a highly controversial subject."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" The hon. the Minister evidently has not even heard my question properly. I simply asked if the public health staff are not periodically sending reports about matters relating to propaganda to the Director of Public Health who in his turn makes his report to the Government."

The hon. the RAJA OF PANAGAL :—" Yes, they do."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Among the public health staff, may I ask if the public health inspectors are not working under the taluk boards and the district health officers under the district boards ? "

The hon. the PRESIDENT :—" The hon. Member is leading up to something. Will he come to that something at once instead of adopting the practice that would be more legitimate in a court of law ? "

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" In view of the fact that the public health staff are sending reports in relation to public health matters and the public health officers are working under the taluk boards and district boards, will the hon. the Minister state if it is not open to the local bodies concerned to give instructions as to the nature of the propaganda work that is to be carried on ? "

The hon. the RAJA OF PANAGAL :—" It is the duty of the Director of Public Health to give instructions regarding health propaganda."

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Mr. S. SATYAMURTI :—" May I ask the hon the Minister, in view of the answer that he has given that these officers have other duties to do, whether he will be good enough to say if they cannot afford the time for the propaganda work against alcoholic liquors? "

The hon. the RAJA OF PANAGAL :—" I am presenting the other side of the picture."

Mr. S. SATYAMURTI :—" I take it that the other reason is that this involved political principles and therefore they ought not to be allowed to engage themselves in this propaganda. May I ask the hon. the Minister, therefore, whether the local boards may decide that these health officers, who I presume, are really part of their staff and paid by them, should do such propaganda? "

The hon. the RAJA OF PANAGAL :—" So far as the health officers are concerned, they are paid by the Government."

Mr. S. SATYAMURTI :—" I withdraw that part of my question. May I ask the hon the Minister, if these local boards themselves consider that these health officers who are serving under them can usefully be employed in this propaganda against drink, what the political principles are which the hon. the Minister thinks will be violated by these health officers carrying on such propaganda? "

The hon. the RAJA OF PANAGAL :—" In the first place, Government are sure that there is a class of politicians who are ready to take up work in that direction. Therefore, they thought they had better allow moralists and politicians to carry on that work."

Mr. C. RAMALINGA REDDI :—" May I ask my hon. Friend whether temperance reform is a question of party politics? "

The hon. the RAJA OF PANAGAL :—" Sir, by politics I do not mean party politics."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" In view of the answer given by the hon. the Minister that these health officers are not paid by the local boards, is it not a fact that so far as health officers are concerned all their travelling allowance is paid by the district boards? "

The hon the RAJA OF PANAGAL :—" Of course, it is so."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Is it not also a fact that the pay of these public health officers comes out of a portion taken out from the grant for second-class roads given to the local boards? "

The hon. the RAJA OF PANAGAL :—" I am glad my hon. Friend himself admits that it is a portion of the grant given by the Government. Therefore, it follows that these health officers are paid by Government."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Is not the district health officer to do the work that is imposed on him by the district board? "

The hon. the RAJA OF PANAGAL :—" Yes. His legitimate duties."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Is it not one of the statutory duties of the local boards to carry on propaganda against drink and to spend money on it? "

The hon. the RAJA OF PANAGAL :—" No, Sir, I do not think so."

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Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know if there is still any difference of opinion on the evil effects of alcoholic drinks on the health of man ? "

The hon. the RAJA OF PANAGAL :—" I have already stated that it is a controversial subject. However, I am not an authority on the subject. I would rather request the hon. Member to appeal to an authority on the subject."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, if the local board under which a health officer is working is satisfied that the use of alcoholic liquors affects the health of man, is it not open to it to give instructions to him to carry on propaganda work so far as that question is concerned ? "

The hon. the RAJA OF PANAGAL :—" As I already said, it is not part of their work to carry on such propaganda."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" My question has not been understood, Sir. I am not speaking of temperance work. If the local board is satisfied that the use of alcoholic drinks affects the health of the people, is not the local board bound to carry on health propaganda work in that direction through the subordinates at its disposal ? "

The hon. the RAJA OF PANAGAL :—" The local board is not an authority on the subject. It is the Director of Public Health that can determine the nature of the health propaganda."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Seeing that there is some doubt about the evil effects of alcoholic liquors on the health of man, may I know from the hon. Minister if he is aware that the question of vaccination is more controversial ? "

The hon. the RAJA OF PANAGAL :—" Sir, the Government think that vaccination is necessary and they have adopted it."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I take it that the hon. Minister thinks that drink is necessary for health ? "

The hon. the RAJA OF PANAGAL :—" It does not mean that the Government think that drink is necessary, or that they are asking people to drink. I am afraid my hon. Friend's question is not relevant."

Mr. S. SATYAMURTI :—" May I ask if the Government consulted the Public Health Advisory Committee or whatever Advisory Committee, there is in the Local Self-Government department before they came to a decision on the matter, and if so, what the opinion of that committee is ? "

The hon. the RAJA OF PANAGAL :—" The Government did not consult the Advisory Committee. They have consulted the Director of Public Health."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if these health officers in the capacity of secretaries to health and welfare associations are not doing propaganda work against drink and delivering lectures on temperance reform, and if there is no objection to it ? "

Mr. A. RANGANATHA MUDALIYAR :—" In view of the fact that these health officers are provided with magic lanterns and slides which go to show the evils of drink, would he withdraw all those slides from those officers ? "

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The hon. the RAJA OF PANAGAL :—" I have already stated that it is a matter connected with controversial politics. Therefore Government did not want to take any direct action."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Has the hon. the Minister considered the desirability of giving liberty to local boards in taking the initiative in public health matters ? "

The hon. the PRESIDENT :—" That is a suggestion for action."

Mr. B. VENKATARATNAM (in Telugu) asked if the Government had consulted their experts on the effect of drink on health, and, if so, what their opinion was.

The hon. the RAJA OF PANAGAL :—" Yes, it is the duty of the Government to do so."

Mr. P. ANJANEYULU :—" Are not the health department the best means of doing propaganda for discouraging drinks ? "

Depressed Classes.

Interference with the religious rites of depressed classes of Kuditini village.

* 1042 Q.—Mr. R. VEERIAN: With reference to question No. 455 answered at the meeting, dated 26th August 1925, will the hon. the Home Member be pleased to state what steps have already been taken by the Government regarding the interference by the caste people with the performance of the religious rites of the depressed classes of Kuditini village, Bellary district, and with what results?

A.—The District authorities are inquiring into the matter.

Forests.

Reclassification of forests in Nellore district.

* 1043 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Home Member be pleased to state—

(a) when the reclassification of forests was finished and what progress has been made till now with regard to the formation of forest panchayats and the handing over of ryots' forests to such panchayats, in the district of Nellore; and

(b) whether any officer has been posted till now to do propaganda work in the Nellore district as contemplated by the Government?

A.—(a) The hon. Member's attention is invited to G.O. No. 703, Development, dated 12th May 1925, which is placed on the Editors' Table.

(b) No, but a Special Deputy Tahsildar will be posted to Nellore district early in 1926-27.

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Jails.*Installation of a semi-domestic power plant in the Bellary Jail.*

* 1044 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state whether a semi-domestic power plant has been installed in the Bellary Jail to deal with the wool locally available and turn it into yarn strong enough to stand the strain of weaving on a fly shuttle vertical loom?

A.—The plant will be installed shortly.

MR. ABDUL HYE SAHIB:—“ May I know the cost of the plant ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—“ I want notice of the question.”

Alleged death of one Dorai Velu in a tank in the Presidency Jail.

* 1045 Q.—SRIMAN SASIBHUSHAN RATH Mahasayo: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that a convict named Dorai Velu was found dead in a tank in the Presidency jail;

(b) under what circumstances the death was caused; and

(c) whether a report has been called for from the Superintendent of the Jail, and if so, to place it on the table?

A.—(a) No.

(b) & (c) Do not arise.

Labour.*Appointment of honorary District Labour Officers.*

* 1046 Q.—MR. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) whether Government have appointed any honorary District Labour Officers;

(b) if so, whom and for what districts;

(c) on what terms as to their subordination and as to establishments and allowances;

(d) what are the special qualifications of the gentlemen appointed for the post; and

(e) whether they are assisted by any advisory committees and under whose orders they are working?

A.—(a) Yes.

(b) M.R. Ry. Rao Sahib P. V. Gopalan Avargal, M.L.C., Malabar district.

(c) The office establishment of the Collector of Malabar will render the honorary District Labour Officer the necessary clerical assistance. Two peons have been sanctioned for him. He is eligible for travelling and daily allowances for touring within the district at the rates admissible to officers in grade V in Annexure 1 of the Madras Travelling Allowance Rules.

(d) & (e) Mr. Gopalan possesses an intimate knowledge of the area. He will work under the Commissioner of Labour, Madras.

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Mr. J. A. SALDANHA :—“ May I know whether there have been any applications received from other Members of Legislative Council for these appointments ? ” (Laughter)

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I have no information.”

Mr. J. A. SALDANHA :—“ With reference to the answer to clauses (d) and (e), I want to know whether such a subordination is consistent with the position of a Member of Legislative Council who has to criticise the Commissioner of Labour ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ That is a question which ought to be addressed to the Member concerned ? ”

Mr. ABDUL HYE SAHIB :—“ Will the Government make these honorary appointments in other districts also ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ The question will be considered.”

Travelling allowances for District Labour Officers.

* 1047 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state—

(a) what are the travelling allowances which each of the stipendiary District Labour Officers has been drawing in 1923–24 and 1924–25 ;

(b) what is the rate of allowances for travelling and halting admissible to them ; and

(c) what is the rate of travelling allowances admissible to honorary District Labour Officers ?

A.—(a) Information is not separately available in regard to the amount of travelling allowance drawn by the District Labour Officers alone.

(b) They are eligible for travelling and daily allowances at the rates admissible to officers in Grade VII in Annexure I of the Madras Travelling Allowance Rules.

(c) The attention of the hon. Member is invited to the answer given to question No. 1046.

Solution of the unemployment problem.

* 1048 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Home Member be pleased to state whether Government propose to take any steps to solve the problem of unemployment among the educated classes ?

A.—In accordance with a resolution of the Council carried on the 25th August 1925 the Government propose to appoint a committee to investigate the problem.

Mr. R. SRINIVASAN :—“ May I ask the hon. the Home Member whether the Government propose to do away with all honorary appointments or discontinue to make any more of such appointments in order that young men who have put in 10 or 15 years at schools and colleges and spent their money may get opportunities to secure Government employments ? ”

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The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I do not understand the question."

Mr. S. SATYAMURTI :—" May I ask approximately when the Government propose to appoint this Committee ?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" The question is under the consideration of Government. Perhaps within 20 or 25 days the personnel of the Committee will be announced."

Mr. S. SATYAMURTI :—" In settling the personnel and the terms of reference to the Committee, may I ask whether this House will be consulted ?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" No, Sir, I am sorry I am unable to do so."

Appointments.

Selection of probationary Revenue Inspectors by Staff Selection Board.

* 1049 Q.—Mr. RAGHUCHANDRA BALLAL: Will the hon. Member for Revenue be pleased to state—

(a) whether it is fact that candidates for probationary Revenue Inspectors are proposed to be selected by the Staff Selection Board hereafter; and

(b) what are the reasons for depriving the District Collectors of their powers to make such selections?

A.—(a) The intention of Government is to entrust to the Staff Selection Board the selection of candidates for the post of Probationary Revenue Inspectors—vide paragraph 4 (ii) on page 2 of G.O.^a No. 76, Public, dated the 6th February 1924. But pending the organization of District Committees, the selection is being made by the Collectors.

(b) The hon. Member is referred to paragraph 1 of G.O. No. 76, Public, dated the 6th February 1924.

Local committees for selection of Sub-Inspectors of Police.

* 1050 Q.—The RAJA OF RAMNAD: With reference to the answer given to my supplementary question on 21st August 1925, Council Proceedings, pages 481 and 482, that the intention of the Government was to constitute local committees for selection of Sub-Inspectors, will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether it is a fact that no such committee was constituted but, on the contrary, selections have been made by officers of the Department exclusively; and

(b) why the Government's intention was not given effect to?

A.—(a) Yes. District Committees have not yet been constituted.

(b) The proposals of the Staff Selection Board are awaited. The Government understand that the Board has been in correspondence with district officials in the matter and will now soon submit proposals.

^a Already laid on the Table of the House.

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Court of Wards.

Building of a new palace at Sivaganga.

* 1051 Q.—The RAJA OF RAMNAD: With reference to answer to my question No. 246 given on 20th August 1925, will the hon. the Member for Revenue be pleased to state—

- (a) what the estimated cost of the building is;
- (b) what amount was given by way of charges for the preparation of plans and estimates; and

(c) where the plans and estimates were prepared?

A.—(a) Rupees five and a half lakhs, exclusive of provision for sanitary installation and water-supply, electric lights and fans, and architect's fees.

(b) Rupees 8,220-11-0.

(c) The plans and estimates were prepared by Messrs. Jackson and Barker, Architects, Madras.

The RAJA OF RAMNAD:—"May I ask the hon. the Revenue Member what necessity there is for going in for a scheme like that when the estate's condition does not favour such an ambitious scheme?"

The hon. Mr. N. E. MARJORIBANKS:—"I believe that the estate was not working at a deficit at the time."

Administration of the Sivaganga Zamindari.

* 1052 Q.—The RAJA OF RAMNAD: With reference to the answer at page 495 of the proceedings of the meeting held in August 1925, will the hon. the Member for Revenue be pleased to state whether the Government have considered the advisability of instituting an independent inquiry into the administration of the Sivaganga Zamindari so as to bring to the notice of the Government the defects which contribute to the continuous swelling of debts year after year with a view to the taking of remedial measures?

A.—No.

The RAJA OF RAMNAD:—"May I ask why the Government did not consider it necessary to institute an inquiry?"

The hon. Mr. N. E. MARJORIBANKS:—"Because they did not agree with the description given in the question that there are 'defects which contribute to the continuous swelling of debts year after year'."

The RAJA OF RAMNAD:—"May I know if this is not the reason then what the cause is for the defect?"

The hon. Mr. N. E. MARJORIBANKS:—"I do not admit the fact, Sir."

The RAJA OF RAMNAD:—"Then, Sir, is the fact, that the estate is in debts denied?"

The hon. Mr. N. E. MARJORIBANKS:—"Not 'a continuous swelling of debts year after year', Sir."

12 noon.

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Deputy Collectors.*'The Equitation test' for Deputy Collectors.*

* 1053 Q.—Mr. C. MUTTAYYA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the deputy collectors are required to undergo an examination called 'The Equitation test' before they are appointed as such;

(b) whether that examination is compulsory to make them eligible for the deputy Collector's place;

(c) what is the number of candidates that appeared for this test all over the Presidency during the year 1923-24;

(d) how many candidates came out successful;

(e) where is this examination generally held; and

(f) what is the amount of expenditure incurred by the Government for conducting this examination during that year by way of payment of travelling allowance, etc., to the candidates?

A.—(a) & (b) Yes.

(c) & (f) These particulars are not reported to Government.

(d) Thirty-eight candidates were reported to have passed at the examination held during 1923 and 1924.

(e) The examination is held by Collectors in their respective districts.

Mr. C. MUTTAYYA MUDALIYAR:—"May I know, Sir, if there is any proposal to abolish this examination?"

The hon. Mr. N. E. MARJORIBANKS:—"No, Sir, not that I am aware of."

Land Revenue.*Powers conferred on the Board of Revenue after the Reforms.*

* 1054 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state whether any and, if so, what new powers and functions have been conferred on the Board of Revenue within the last one year and since the introduction of the Reforms respectively as regards

(a) the appointment of and grant of leave to deputy collectors;

(b) the management of ryots' forests;

(c) the preparation of season reports; and

(d) any other matter or matters?

A.—(a) No new powers have been conferred on the Board of Revenue as regards the appointment of or grant of leave to deputy collectors. Since 1st May 1925, applications for leave from deputy collectors have been submitted to Government through the Board of Revenue and the Board has also been required to report for the orders of Government vacancies permanent or temporary in the posts held by deputy collectors.

(b) The attention of the hon. Member is invited to G.O. No. 912, Development, dated 23rd June 1925, which has been laid on Editors' Table.

(c) The compilation of the season reports which was an important administrative function of the Board of Revenue under the

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Famine Code was transferred to the Director of Agriculture in May 1922. The work has been reassigned to the Board of Revenue.

(d) No order on any other matter coming within the scope of the question can be traced.

Mr. A. RANGANATHA MUDALIYAR :—" May I know if the Board is now required to submit names to fill up vacancies arising in the cadre of deputy collectors ? "

The hon. Mr. N. E. MARJORIBANKS :—" I am sorry I cannot give the hon. Member an answer to that question inasmuch as the appointments are made by His Excellency and it is not open to me to answer questions as to the sources from which His Excellency gets his information "

Mr. A. RANGANATHA MUDALIYAR :—" I am not disputing His Excellency's prerogative in the matter of these appointments. I only want to know whether names are submitted to His Excellency."

The hon Mr. N. E. MARJORIBANKS .—" I thought that the hon. Member asked me whether names are suggested from a particular source."

Mr. A. RANGANATHA MUDALIYAR :—" Exactly, so, Sir. I want to know whether names are suggested by the Board of Revenue."

The hon. Mr. N. E. MARJORIBANKS :—" That is exactly the point on which I cannot give an answer."

Assignment of darkhast lands in Kamalapuram.

* 1055 Q.—Mr. R. VEERIAN : With reference to question No. 333 answered at the meeting, dated 24th August 1925, will the hon. the Member for Revenue be pleased to state the approximate extent of lands assigned to the members belonging to non-depressed classes and depressed classes separately in the village of Kamalapuram up to this on darkhast ?

A.--From fasli 1331 to fasli 1335, an extent of 3.09 acres of laud was assigned on darkhast to caste Hindus in Kamalapuram village. There was no application from any Adi-Dravida for any portion of this area. During the same period, a plot of 60 cents was assigned to an Adi-Dravida. An extent of 1.78 acres has recently been transferred from poramboke to assessed waste and is being assigned to Adi-Dravidas. Besides this, an extent of 9.74 acres has been reserved for Adi-Dravidas. Of this, 7.34 acres is being cultivated by Adi-Dravidas on sivaijama

As regards house-site, a small plot of 4 cents was assigned in fasli 1332 to a caste Hindu. There was then no application from any Adi-Dravida. Since fasli 1332, there has been no assignment of house-sites to any individual, caste Hindu or Adi-Dravida.

Civil Justice.

Term of office of the additional Judges of the High Court.

* 1056 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether the Government have decided not to extend the term of office of the two additional Judges of the High Court ;

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(b) if so, the date of the decision and the reasons therefor ; and
 (c) whether the Government have any proposals to permanently increase the strength of the High Court, and if so, whether the Legislative Council will be consulted in the matter ?

A.—The question is under consideration.

Mr. S. SATYAMURTI.—“ May I ask the hon. the Law Member when this matter will be brought before the Legislative Council ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ At budget time.”

Continuance of the Official Referee's office.

* 1057 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether the Government have any intention of continuing the Official Referee's office ;

(b) if so, for what period ; and

(c) for what reasons ?

A.—The hon. Member is referred to the answer given to question No. 825.

Irrigation.

Improvement of natural drains in Ganjam district.

* 1058 Q.—Sriman SASIBHUSHAN RATH Mahasayo : With reference to my question No. 439, will the hon. the Law Member be pleased to state—

(a) whether any information has been received regarding use of and improvement to some natural drains formed in the Gaunzu Tampara (Ganjam district) ; and

(b) if so, to lay the information on the table ?

A.—The Superintending Engineer has reported that as a result of heavy rain in 1923, the sand ridges between the Gaunzu Tampara and the sea were broken open at two places at Kirtipuram and Markandi. Some clearance above these outlets and in the drain was done by the Public Works Department before the irrigation season of 1924 ; and the effect has been to have improved the condition of the Tampara lands to such an extent that there was a good harvest on 300 acres last year and a bumper harvest on 500 acres is expected this year.

Construction of a bridge over the Bandar canal.

* 1059 Q.—Mr. M. SITAYYA : Will the hon. the Law Member be pleased to state—

(a) whether the Municipal Council of Bezwada has passed a resolution on 3rd March 1925 requesting the Government to construct a bridge over the Bandar canal along with the lock and regulator proposed to be constructed over the said canal in the vicinity of Bezwada ; and

(b) what action the Government have taken in the matter ?

A.—(a) Yes.

(b) The estimate for the lock and regulator has been sanctioned, preliminary work presumably begun. The question of combining a bridge with the lock is under consideration.

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Marine.

Indian Chamber of Commerce, Tuticorin.

* 1060 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to state—

(a) whether he considers that the statement made by hon. Mr Graham in this Council on the 5th February 1925 that 'if the Indian Chamber of Commerce (Tuticorin) shows signs of vitality the Government themselves will introduce a Bill and thus carry out his (Mr. A. Chidambara Nadar's) intention by about, say, October or November' still represents the views of the Government on the matter;

(b) whether the Government have received a communication from the Tuticorin Indian Chamber of Commerce showing that the surplus saving of the Chamber for the year that ended with June 1925 was over Rs. 5,600 and, if so, whether he considers that the Chamber is showing signs of vitality or not;

(c) whether the communication referred to in (b) also stated that the hon. Minister for Development who recently visited the Chamber would be able to testify to the Chamber's activity and, if so, whether any reference was made to him about this matter and what opinion, if any, was given by him; and

(d) whether the Government are preparing or have any intention of preparing a Bill giving the Indian Chamber of Commerce due representation in the Tuticorin Port Trust Board and, if so, when is the Bill likely to be introduced?

A.—The hon. Member is referred to the discussions in connexion with question No. 834 at the meeting of the Legislative Council held on the 2nd November 1925.

Motor Vehicles Act.

Certain motor prosecutions in Ramnad.

* 1061 Q.—THE RAJA OF RAMNAD. With reference to the answer given to my question No. 240, dated 20th August 1925, will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Public Prosecutor opposed the application in the High Court;

(b) if so, whether he did so under orders from the Government or *suo motu*;

(c) if the former, who moved the Government to instruct the Public Prosecutor to oppose;

(d) if the latter, whether it is open to the Public Prosecutor to act *suo motu*; and

(e) if he had acted *suo motu*, whether he is entitled to fees?

A.—(a) So far as Government are aware, the revision cases were dismissed without the Crown being called on.

(b) The Public Prosecutor appeared in the cases on notice issued by the High Court and on instructions from the District Magistrate.

(c), (d) & (e) Do not arise.

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The **RAJA OF RAMNAD**.—“ May I ask the hon. the Law Member why the Collector should address the Public Prosecutor to oppose the application made by the District Board President to bring to book certain licensees who violated the law ? May I also know whether he considers it desirable to instruct them not to take sides with the licensees ? ”

The hon. Sir C. P. **RAMASWAMI AYYAR**.—“ The High Court issued the notice and the District Magistrate placed his facts before the Public Prosecutor. He was not even called upon when the petition was dismissed ”

The **RAJA OF RAMNAD**.—“ May I know whether the petition was dismissed on merits ? ”

The hon. Sir C. P. **RAMASWAMI AYYAR**.—“ The revision petitions were dismissed. That is the information I have. But if the hon. Member wants any further information I will call for it. ”

Newspapers.

Newspapers deprived of getting press publications.

* 1062 Q.—**MR. C. V. VENKATARAMANA AYYANGAR** : Will the hon. the Law Member be pleased to state—

(a) whether there are any newspapers that have been deprived of the right of getting publications available to the press and if so what they are ; and

(b) whether they were given any opportunity to give an explanation before final orders were passed, and if not why not ?

A.—(a) The answer is in the negative.

(b) The question does not arise.

Panchayat Courts.

Peons for Panchayat Courts.

* 1063 Q.—**MR. R. VEERIAN**. With reference to question No. 143 answered at the Council meeting, dated 19th August 1925, regarding panchayat courts, will the hon. the Law Member be pleased to state why no peon is appointed in the village panchayat courts to call out the names of the parties as in other regular courts ?

A.—The Government do not consider it necessary to appoint peons in these courts.

MR. R. VEERIAN.—“ Sir, may I know for certain whether the Government consider it unnecessary to appoint peons just as there are in other courts to call out the names of the parties ? and if so, why they consider the appointment of peons unnecessary ? ”

The hon. Sir C. P. **RAMASWAMI AYYAR**.—“ Yes, Sir. As I explained on another occasion the idea is that these courts should be run with as little expenditure as possible in order to make them popular. ”

MR. R. VEERIAN.—“ May I know then who will look after the work of the peons ? ”

The hon. Sir C. P. **RAMASWAMI AYYAR**.—“ The parties are all there and they know that their cases are going on. ”

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Police.

Selection of police constables in the Salem district.

* 1064 Q.—Mr. R. VEEBRIAN : Will the hon. the Law Member be pleased to state whether it is a fact that 25 constables were enlisted or selected during the last recruitment in the Salem district out of which only one was an Adi-Dravida and the remaining were all caste Hindus, partly military men and partly non-military men ?

A.—Constables are not recruited at fixed intervals. Vacancies are filled up as they occur. The number of men recruited in the Salem district since 9th June 1925 (the date from which the recruitment of non-military men was permitted under certain conditions) is as follows :—

Ex-military men ..	{	Caste Hindus	...	...	...	22
		Adi-Dravidas	...	...	...	5
		Muhammadans	...	...	...	3
		Christians	...	...	...	1
Others	{	Caste Hindus	...	...	...	18
		Adi-Dravidas	...	...	...	1
		Muhammadans	...	...	...	3

Checks on defective measures, weights, etc.

* 1065 Q.—Mr. R. VEEBRIAN : Will the hon. the Law Member and the hon. the Minister for Local Self-Government be pleased to state by whom defective measures, weights, scales, etc., are checked in shandies, public markets, bazaars, etc., in rural parts in the Presidency ?

A.—Weights and measures may be checked by any officer in charge of a police station within the limits of his jurisdiction, and, where standard weights and measures have been prescribed under G.O. No. 3068, L. & M., dated 3rd November 1924, by the president of a local body or any person authorized by him.

UNSTARRED QUESTIONS.

Agriculture.

Purchase of cows by the Deputy Director of Agriculture, Live-stock.

1066 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) the number of cows purchased by the Deputy Director of Agriculture, Live-stock, from the Hygienic Milk Supply Company, Madras, the date of their purchase and the value paid for them ;

(b) how many of the said cows were sent to the dairy at Coimbatore and when ; and

(c) how the remaining cows were disposed of and if they were sold, when, to whom and for what sum ?

A.—(a) Six cows and six heifer calves were purchased on the 31st March 1922 for Rs. 1,000.

(b) All were sent to the Coimbatore dairy a day or two after purchase.

(c) Does not arise.

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Education.*Replacement of permanent attenders and peons by ex-war men.*

1067 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that orders have been issued by the Department of Education to replace permanent attenders and peons by ex-war men;

(b) why even permanent people in service have to be disturbed; and

(c) how the confirmations of attenders and peons in the office of the Deputy Inspectors of Schools were upheld by the powers-that-be?

A.—In an order, dated the 8th April 1918, the Government had issued instructions to the effect that appointments on pay not exceeding Rs. 15 should, from that date onwards and for the period of the war, be filled only temporarily with a view to the reservation of such posts for men who had enlisted for war service. The reservation was subsequently extended so as to hold good for one year after the declaration of peace. The orders had been communicated to subordinate officers. Some time ago, it came to the notice of the Director that in many cases persons who had rendered no army service had been appointed as attenders by officers subordinate to him. The Director was not satisfied that sufficient care had been taken to ascertain that it was not possible to get ex-service men for the attender's posts. A circular was thereupon issued by the Director on the 8th September 1925 calling on the subordinate officers to make a further attempt by reference to local District Soldiers' Committees to secure the services of ex-war men and if such men could be got to replace the most junior acting men by ex-army men. It was also stated that in all cases in which ex-army men could not be secured a certificate to that effect should be furnished.

Tour of Deputy Inspectors.

1068 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Education be pleased to state whether it is a fact that Deputy Inspectors are not expected to be on tour during April and May?

A.—The hon. Member is referred to paragraph 72 of the Madras Inspection Code, 1925 edition.

Restoration of supervisors.

1069 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the scheme of supervisors is to be restored;

(b) if so, on what terms; and

(c) why the introduction of supervisors is again found to be necessary?

A.—(a), (b) & (c) No. But there is a proposal to strengthen the subordinate inspecting staff by the appointment of a grade of officers designated junior grade deputy inspectors, the object being to make adequate provision for the inspection of the growing number of elementary schools.

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Tour of Deputy Inspectors.

1070 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that in August and September months there is a large number of holidays than in other months for schools; and

(b) if so, how it would be possible for Deputy Inspectors to put in the prescribed number of tour days?

A.—(a) & (b) The answer is in the negative. The Government are, however, aware that the largest number of holidays occurs in the month of May in most schools in this Presidency. There is no uniformity in the grant of miscellaneous holidays in schools, and no representations have been received by the department to the effect that deputy inspectors have been unable to put in the prescribed number of tour days.

Part-time schools in Kurnool district

1071 Q.—Mr. K. SARABHA REDDI Will the hon. the Minister for Education be pleased to state—

(a) on what conditions part-time schools are opened;

(b) the number of such schools in the Kurnool district; and

(c) the reasons for their small number?

A.—(a) The Government have laid down no conditions regarding the opening of part-time schools

(b) None on 31st March 1925.

(c) The reasons will be inquired into.

Amalgamation of schools in Kurnool district

1072 Q.—Mr. K. SARABHA REDDI Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the question of amalgamating schools to prevent overlapping of education is engaging the attention of the Educational Council in the Kurnool district;

(b) whether the question of amalgamating S.P.G. and A.B.M. schools or any schools of different interests is an important item in the proposals under consideration; and

(c) whether the Government will be pleased to place on the table the opinions of the authorities of these institutions on the matter?

A.—(a) The District Educational Council, Kurnool, has been furnished with a copy of the report on the elementary education survey of the Kurnool district in which certain suggestions for the amalgamation of schools have been made

(b) An extract^a of the relevant portion of the report on the elementary education survey of the Kurnool district is laid on the table.

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- (c) The Government are not aware of the opinions of the managing bodies of elementary schools in the Kurnool district on the question of amalgamation; the question is one for local authorities to deal with in the first instance.

Local Boards and Municipal Councils.

Recommendations of the Road Board.

1073 Q.—Mr. B. MUNISWAMI NAYUDU: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Road Board recommended to the Government in 1921 to add to the list of trunk roads and what roads were so recommended to be taken up; .

(b) what were the orders of the Government on the recommendations; .

(c) what is the estimated cost to the State if the recommendations are given effect to; .

(d) whether the District Board, Chittoor, in their address to His Excellency the Governor in July 1925, requested that the Road Board recommendations should be given effect to; and

(e) whether the Government propose to give effect to the Road Board recommendations at least for 1926-27?

A.—(a) Yes. For the recommendations of the Road Board the hon. Member is referred to the answer given to clause (c) of question No. 1002.

(b) Presidents of district boards and chairmen of municipal councils were informed that in the present state of the Provincial finances the Government were unable to make any additions to or alterations in the list of trunk roads.

(c) About Rs. 2½ lakhs.

(d) Yes in so far as the road from Puthalpet to Nayadupet and the Madras-Bangalore road via the Rice Causeway were concerned.

(e) The matter will be considered.

Religious and Charitable Endowments.

Working of the Hindu Religious Endowments Act I of 1925.

1074 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have under consideration any amendments to any of the provisions of the Madras Hindu Religious Endowments Act I of 1925; if so, what are those provisions; .

(b) whether it is a fact that some trustees of temples and mutts have not been called upon to submit returns of past triennial income and expenditure; .

(c) if the answer is in the affirmative, the reasons for this exception; and

(d) whether it is a fact that some owners of private temples also have been asked to submit the returns of the past three years' income and to contribute one and a half per cent of the gross income of their temples for the last three years; if so, under what section of the Madras Act I of 1925, Hindu Religious Endowments Board has done so?

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- A.—(a) No specific amendments are at present proposed by the Government.
 (b) & (c) If any trustees of public temples and mutts have not been called upon for returns of income, it is because the Board has no information of the existence of the institutions.
 (d) The attention of the hon. Member is invited to the answer given to clause (c) of question No. 870.

Land Revenue.

Assignment of lands to depressed classes through Christian missionaries.

1075 Q.—MR. L. C. GURUSWAMI: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

- (a) whether it is a fact that in some taluks in Kistna and Cuddapah districts large tracts of land have been assigned to the Christian missionaries for distribution among the members of the depressed classes;
 (b) if so, why this course was adopted instead of directly assigning the lands to the members of the depressed classes;
 (c) the extent of the land so allotted to the Christian missionaries; and
 (d) the number of members of the depressed classes who have been allotted lands through the Christian missionaries?

- A.—(a) & (c) The records of the last five years have been examined and only one case has been found where a large tract of land namely 1,630 acres was granted in 1920-21 to a Christian Missionary Society in Chintalapudi village, Ellore taluk, for the purposes of settlement of members of the depressed classes. There is no record of any similar grant in Cuddapah district.
 (b) There were no applications from individuals in this case and moreover the grant was for a settlement with an experimental farm.
 (d) The Government are not aware how many families have been settled in the land.

Assignment of lands to depressed classes in Godavari and Cuddapah districts.

1076 Q.—MR. L. C. GURUSWAMI: Will the hon. the Member for Revenue be pleased to state—

- (a) the extent of land reserved for the depressed classes in different taluks of East Godavari, West Godavari and Cuddapah districts; and
 (b) the extent till now assigned to the depressed classes?

A.—Figures by taluks have not been reported to Government. Information regarding the area of lands reserved for, and assigned to, depressed classes in the several districts of the Presidency up to 31st March 1925 will be found in Appendix III at page 19 of G.O. No. 2914, Law (General), dated 21st September 1925, which has been laid on the Editors' Table. Separate figures for the West Godavari district were not reported but included in those of the old Kistna district.

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Construction and repairs of chavadis in Kurnool district.

1077 Q.—Mr. K. SARABHA REDDI : Will the hon. the Member for Revenue be pleased to state how much money was expended towards (a) construction of chavadis and (b) their repairs in the Kurnool district in the year 1924–25 ?

A.—No expenditure was incurred on the construction of chavadis in Kurnool district in 1924–25. A sum of Rs. 421 was spent on repairs.

Accommodation for touring officers in Kurnool district.

1078 Q.—Mr. K. SARABHA REDDI : Will the hon. the Member for Revenue be pleased to state whether it is a fact that in some taluks of the Kurnool district proper accommodation is not available for touring officers ?

A.—So far as the Government are aware, the provision of travellers' bungalows in the Kurnool district is sufficient for the needs of touring officers. The Government have heard of no complaints on the subject.

Village Establishments.*Village redds as honorary officers.*

1079 Q.—Mr. K. SARABHA REDDI . Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have accepted the principle that all village redds should be honorary officers ; and

(b) if so, what steps have been taken to give effect to the principle ?

A.—(a) & (b) The Government are inclined to the view stated, but having regard to the difference of opinion on the subject both within and without this Council, they have not yet come to any final decision in the matter.

Salary of village shanbogues of South Kanara district.

1080 Q.—Mr. D. MANJAYYA HEGGADE : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the village shanbogues of South Kanara district sent a memorial to the Government through the District Collector in 1921 and 1922 praying for enhancement of their salary ;

(b) if the answer is in the affirmative, what steps the Government have taken to meet their humble prayer ; and

(c) if nothing has been done yet whether the Government intend to take any steps in the matter ; if so, when ?

A.—(a) Yes.

(b) The request could not be complied with as the salaries of karnams had recently (in 1920) been raised to Rs. 15.

(c) No further increase in karnams' salaries is feasible.

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Civil Justice.

Sarishtadar of the District Court, Coimbatore.

1081 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the present Sarishtadar of the District Court, Coimbatore, has held that post for the last ten years;

(b) whether he has served in the same Court for over twenty years; and

(c) whether there is any rule to the effect that Sarishtadars should not be kept in the same station for more than five years?

A.—(a) No.

(b) Yes.

(c) There is no such rule.

Elections.

Bifurcation of Madras City for general election.

1082 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the City of Madras is divided into two portions for the purpose of general election of non-Muhammadan Urban Constituency;

(b) if so, what was the motive that induced the Government to do so; and

(c) whether they have divided the other districts?

A.—(a) The answer is in the negative. The attention of the hon. Member is drawn to the answer to question No. 528 asked at the meeting of the Council held on the 19th March 1925 and to the supplementary questions and answers given thereto.

(b) The question does not arise.

(c) The answer is in the negative.

Irrigation.

Proposed demolition of the bridge at Uthamacheri.

1083 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Superintending Engineer of Tanjore has recommended to the Government to demolish the bridge at Uthamacheri over the river Cauvery;

(b) if so, whether the Government have approved of the recommendations; and

(c) whether the Government are aware of the difficulties which will be felt by the Tanjore ryots in case the bridge is demolished?

A.—An estimate for the repair and extension of the bridge was sanctioned in June, and some work was done. Last month the Chief Engineer reported that it was in a dangerous state, and might collapse. Work has had to be stopped, and until the river subsides

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after the monsoon it is not possible to decide what to do, whether to abandon the bridge or reconstruct it entirely. The Chief Engineer has been asked to make definite proposals as soon as he can.

The Cauvery-Mettur Project.

1084 Q.—Mr. V. C. VELLINGIRI GOUNDER: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) the number of special officers appointed till now and yet to be appointed for various purposes in connexion with the Cauvery-Mettur Project;

(b) whether the Government have satisfied themselves that those ryots whose lands are acquired for the above project will be able to get lands by purchase in convenient localities to continue their hereditary occupations; and

(c) whether the Government have received memorials and petitions from the ryots of those affected villages setting forth several grievances; if so, what steps have been taken?

A.—(a) The superior staff at present employed consists of—

One Superintending Engineer with a Personal Assistant to be Engineer in chief;

One Executive Engineer and one Assistant Engineer for the head works;

One Executive Engineer and one Assistant Engineer for the delta; and

One Executive Engineer to be in charge of plant and machinery.

For land acquisition, one Collector and four Deputy Collectors.

The superior establishment contemplated when construction is in full progress includes—

One Engineer in chief,

One Superintending Engineer,

Eleven Executive Engineers,

Six Assistant Executive Engineers,

Six Assistant Engineers,

One Electrical Engineer,

and for acquisition probably fourteen Deputy Collectors.

(b) This question will engage the attention of the Collector specially appointed to supervise acquisition.

(c) Yes; they have been referred to the Special Collector, and instructions have been issued to him and his subordinates to defer taking possession of land acquired as far as possible until arrangements have been made to settle the ryots who will be evicted.

Marine.

The Indian Chamber of Commerce, Tuticorin.

1085 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Government have directed the Chairman of the Tuticorin Port Trust Board to inspect and report on the financial position of, and the work turned out by the Indian Chamber of Commerce at Tuticorin;

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(b) whether it is a fact that the present Board is against giving the Chamber representation on the board; and

(c) why the Government under the circumstances did not ask an independent Government officer in the position of a Revenue Divisional Officer to make necessary enquiries into the matter?

A.—(a) No.

(b) The Government have no information.

(c) The question does not arise.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the member.]

II

MOTION FOR ADJOURNMENT OF THE BUSINESS OF THE HOUSE *IN RE*
THE RAILWAY DISASTER AT PATTUKOTTAI, TANJORE DISTRICT.

* Mr. S. MUTTAYYA MUDALIYAR :—“ Sir, under Standing Order No 20, I beg to move for the adjournment of the business of the House for the purpose of discussing an urgent matter of public importance, viz., the railway disaster at Pattukottai on the South Indian Railway and the desirability of appointing a Committee of non-officials to enquire into and report on the matter.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ Sir, I think it is necessary for me to bring it to the notice of this House that the subject of railways is a central subject and the Government is only an agent in the administration of a central subject in so far as such agency may be found convenient. The Local Government can only take the necessary steps for giving information to the Central Government and if there is any default, the prosecution of the persons concerned is conducted by Government. The position therefore is that the Local Government cannot itself appoint a committee different from the committee contemplated by the rules framed by the Government of India under the Indian Railways Act. Moreover, Sir, you are aware that motions for an adjournment of the business of the House for discussing a matter of urgent public importance can only be made in cases and under circumstances where resolutions could be moved. And you are also aware, Sir, that resolutions are liable to be disallowed on the ground that they appertain to matters which are not primarily the concern of the Local Government. In saying all these, I do not for a moment lose sight of the grave aspects of the disaster. The matter is not only urgent but is also of great public importance. I wish also to make it clear that I am perfectly alive to the duties cast on me and the obligations of Government in the matter. But if I have said all these things, it is with a view to place at the disposal of the House the difficulties that I have in the matter. It is only with regard to the form in which the matter has come up before you that I desire to take an objection. If I may suggest, I would ask the hon. Mover to wait till to-morrow so that we may make up our minds as to what we shall do in the matter. It is possible, Sir, subject to your ruling and your discretion, that opportunities might be

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taken to give full information to this hon. House as to everything connected with this disaster without raising it in a form which is open to apparent objections."

Mr. C. RAMALINGA REDDI :—" May I ask if the hon. the Law Member is taking objection as a point of order to the moving of this motion ? "

* The hon. the PRESIDENT :—" He is only making a suggestion whether the hon. Member, Mr. Muttayya Mudaliyar, would prefer not to press his request for the motion for adjournment, because the hon. the Law Member is prepared to place all the facts before the House."

* Mr. S. MUTTAYYA MUDALIYAR :—" With reference to the offer of the hon. the Law Member as regards this matter I shall certainly have no objection to wait till to-morrow if there is no objection to have the matter adjourned till that time. But if it is an offer whereby the Law Member merely promises to make a statement, without a chance of my motion being discussed upon, then I should press my motion now. As to the remark that this matter is not a primary concern of the Local Government, I must say that this particular railway is owned by the district board and also it is a concern of the Local Government as they are managing the Railways as agents of the Imperial Government . . . "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" With regard to that matter, under the Devolution Rules, only the feeder railways and railways coming into existence by local legislation come under the Provincial subjects. It does not matter if a railway is constructed from district board funds; that is still a Central subject, and this has been ruled definitely."

* The hon. the PRESIDENT :—" I have now to see whether the motion is in order, whether it is urgent and whether it is of public importance. I am satisfied about these points. With regard to the question whether the subject of Railways being a Central one a resolution could be moved on it, I have only to see whether the subject matter of the motion for adjournment is one of the subjects on which a resolution could be allowed. With regard to that matter, there are only three cases of resolutions which cannot be moved on the floor of this House, and a resolution on a Central subject is not one of them. I therefore accept the motion. I have also to ask if objection is taken.

" No objection having been taken, I direct that in view of the fact that His Excellency is not in town and that he is expected to be here to-morrow that the subject be taken up to-morrow at half past two of the clock."

III

EXPUNCTION OF CERTAIN WORDS USED IN THE ADJOURNMENT MOTION ON THE PREVIOUS DAY.

* The hon. the RAJA OF PANAGAL :—" Sir, yesterday, the hon. Member for the University in requesting leave for moving the adjournment of the House used language to the following effect : ' the nomination to the Council of the Corporation of Madras by the Government of Mr. O. Tanikachalam Chettiyar, a gentleman who was defeated . . . '"

* Mr. S. SATYAMURTHI :—" I submit that this objection should have been taken at the time I used those words . . . "

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* The hon. the PRESIDENT :—"The hon. Member for the University does not yet know the point that the hon. the Raja of Panagal is making."

* The hon. the RAJA OF PANAGAL :—"Sir, I was referring to the hon. Member's characterization of the nomination as 'a fraud on the powers of nomination vested in the Government, and it is calculated to bring the administration of Local Self-Government into contempt'. Sir, I think the use of the language that it is 'a fraud on the powers of nomination vested in the Government and which is calculated to bring the administration of the Local Self-Government into contempt and ridicule' is not only against parliamentary etiquette but also against facts. My reasons are these. The word 'fraud' connotes the idea of deceit. I have the following authorities."

* The hon. the PRESIDENT :—"What is the hon. Member driving at? Does he object to the form of words?"

* The hon. the RAJA OF PANAGAL :—"I submit that the words which are not parliamentary must be expunged from the proceedings of the Council."

* Mr. S. SATYAMURTI :—"I will state my point of order now, Sir. Let me say at once that I am prepared to take the responsibility for these expressions, and I am prepared to justify the use of those words. But my object in taking this point of order is to raise this question of when to object that a particular set of words is unparliamentary. I wish that once for all this question is settled by you. I say that this point or objection should have been raised at the time when those expressions were uttered or immediately after."

* The hon. the PRESIDENT :—"The objection ought to have been taken at the time and I confess that when the motion was made if I found any expression unparliamentary I should have ruled it out of order. I was more concerned with the subject-matter of the motion than with the language of it. So with regard to my ruling it as parliamentary or unparliamentary, the time is past. But I think the hon. the Raja of Panagal is suggesting some other course."

* The hon. the RAJA OF PANAGAL :—"Sir, I want that that portion of the speech should be expunged from the proceedings."

Mr. C. RAMALINGA REDDI :—"May I ask the hon. the Raja of Panagal whether he wants both portions to be expunged or only the portion beginning with 'fraud'?"

* The hon. the RAJA OF PANAGAL :—"I want the words 'fraud in nomination', etc., to be expunged."

Mr. C. RAMALINGA REDDI :—"Is he bringing it up as an urgent motion? I really do not know what exactly is the present position."

* The hon. the PRESIDENT :—"I think what the hon. the Raja of Panagal is aiming at is this: he objects to the use of the words 'fraud on the power of nomination', etc. He is suggesting to the hon. Member for the University whether in order to uphold the tradition of courtesy that ought to prevail in the relations between Members of the House, he would not consider the desirability of using some other words which would convey his meaning as well in preference to the particular form which he has used."

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12-15 p.m. * Mr. S. SATYAMURTI :—" I must congratulate the hon. the Raja of Panagal for having secured an advocate in you, Sir, . . . "

* The hon. the PRESIDENT :—" Order ! order ! I am not the advocate of any member of this House. I am an advocate only of the conventions and courtesies of the House. "

* Mr S SATYAMURTI :—" I was referring to the fact that if my hon. Friend said that he wanted to move for the expunging of the words from the proceedings, I must oppose it ; if, on the other hand, he wants, in order to accommodate his sense of what is due to him that I must use some other words I have not the slightest objection. "

* The hon. the RAJA OF PANAGAL :—" I object to the use of the words. I submit they are unparliamentary. I would have no objection if other words, which are not objectionable, are substituted. "

* Mr. S. SATYAMURTI :—" I am always willing to grasp the olive branch. But I am equally prepared to grasp the nettle. I hold that these words are not unparliamentary. "

* The hon. the PRESIDENT :—" I have said that I cannot at this juncture consider whether that expression is parliamentary or not. I believe that such objection ought to have been taken at the time these words were uttered or used. The question does not arise therefore as to whether anybody is called upon to decide whether that expression is parliamentary or unparliamentary. The offer which is now made to Mr. Satyamurti is that in order to preserve the traditional courtesies that should prevail among the Members he would consider the advisability of substituting some other form. "

* Mr. S. SATYAMURTI :—" If a motion like that is given due notice of, and is placed on the table of the House, I shall certainly consult my friends in the House, and take legal opinion. Meantime, I must submit to you that these words do not offend the traditional courtesies of this House or any other House. I have examined the matter to the extent to which opportunity is given to me. The phrase is explained in Halsbury's Laws of England and the Encyclopædia of the Laws of England. A fraud on the power does not attribute wilful deceit. It simply means use of the power for purposes foreign to the one for which the power was given. It is a legal expression which simply means the power was exercised for purposes alien to that for which the power was given. I quote from Halsbury's Laws of England :

' In all cases of fraudulent execution, the fraud consists in the exercise of the power for purposes foreign to those for which it was created and the exercise of the power may be held fraudulent on any of the three following grounds : if it was made for purposes foreign to the object, etc. '

" My submission in this case is this : that the power of nomination is expressly vested in the Government under the Madras City Municipal Act for the purpose of securing adequate representation of Muhammadans and other minority communities in the Council of the Madras Corporation. My friend, Rao Bahadur O. Thanikachala Chettiyar, is neither a Muhammadan nor does he belong to any other minority community. My submission is that his nomination is foreign to the purpose for which power was vested in the Government and therefore it is a fraud on that power. "

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" Again in the Encyclopædia of the Laws of England, it is stated ' the power should not be exercised in order to accomplish any by-object or to obtain a benefit for either the appointor or any person who is not an object of the power. The expressions " fraud on the power " and " fraudulent appointment " which are most frequently used to designate these improper exercises of powers and to describe their character are often inexact as they suggest an immorality in the appointor, with which he may not be chargeable.' Therefore I say I have used it in the sense in which the authors of the Encyclopædia say they are most frequently used. The phrase ' fraud on the power ' was used by me merely to suggest that the power was used for purposes for which it was not given. I beg of you not to allow the discussion on the merits of it now, because my motion was disallowed. I am merely submitting to you—not the question of the phrase being parliamentary or unparliamentary, because it is too late—that if the hon. the Minister for Local Self-Government suggests that the phrase is inconsistent with the courtesy due to this House I want him to state it. It was not my intention to convey wilful deceit or attribute moral turpitude to the hon. the Minister. I said and still say that the power was exercised for purposes foreign to the purpose for which it was vested. In these circumstances, I regret I cannot see my way to use any other expression which can be equally accurately describe my idea."

* The hon. the RAJA OF PANAGAL :—" My hon. Friend, the Member for the Madras University, said that the power of nomination is vested in the Government and that in nominating the particular member—Rao Bahadur O. Tanikachala Chettiyar—the Government did not act properly. Now, Sir, nominations are intended, as the hon. Member himself conceded, for the representation of Muhammadans and other minority communities. Mr. O. Tanikachala Chettiyar belongs to an influential minority community." (Hear, hear.)

Mr. SAMI VENKATACHALAM CHETTIYAR :—" On a point of order. May I know if the hon. the Chief Minister is relevant in defending his nomination on the score that Rao Bahadur O. Tanikachala Chettiyar belongs to a minority community when the initial subject matter of the motion is not under discussion ? "

* The hon. the PRESIDENT : - " The hon. the Raja of Panagal is meeting the point made by Mr. Satyamurti when he said that the Raja of Panagal was going round the purpose of nomination. To that extent I allowed him."

* Mr. S. SATYAMURTI :—" May I submit that the question whether I am right or wrong in my interpretation of the exercise of the power in this case is irrelevant at this stage. I am merely concerned, you are merely concerned just now, as to the sense in which I used that phrase. I may be right or wholly wrong. But I submit that the sense in which I used the expression, the only possible sense in my judgment, was it was a fraud on the power, that is, exercised for purposes foreign to the purpose for which it was given. And I say the purpose was to represent a minority community. Mr. Thanikachala Chettiyar did not belong to a minority community. Whether I am right or wrong does not matter. I only want to convince

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the House of the sense in which I used it. It was absolutely parliamentary because I did not attribute moral deceit or wilful deceit; it may be merely an error of judgment when he used the power for purposes wholly foreign to the purpose for which the power was given."

* The hon. the RAJA OF PANAGAL :—"I am explaining as to why the nomination in question is not a fraud upon power. Mr O. Tanikachala Chettiyar is a member of the minority community which contributes a large amount of revenue to the Corporation."

Mr. J. A. SALDANHA :—"May I rise to a point of order? The hon. the Minister is defending the discretion that he used. That is not the issue before the House."

* The hon. the PRESIDENT :—"Will the hon. the Raja of Panagal content himself by saying that he nominated Rao Bahadur O. Tanikachala Chettiyar as a member of the minority community and not go into reasons?"

* The hon. the RAJA OF PANAGAL :—"I am replying to a charge made by the Member for the University. He said that I nominated a man whom I should not have nominated . . ."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, yesterday if I remember right, when the motion was made by Mr. Satyamurti, the Raja of Panagal did raise an objection to the motion, and then, after examining the motion, you disallowed it. That means, he lost an opportunity of defending his action and deprived this House of an opportunity of expressing its views or focussing opinion on the motion. Had it not been for the objection raised by the hon. the Raja of Panagal, I presume he would not now examine so seriously the motion, whether such a motion could be made or not."

* The hon. the PRESIDENT :—"I do not think the hon. the Raja of Panagal did. I on my own motion disallowed it."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I distinctly remember he did object. It is a question of memory. I think the proceedings have recorded that he did object. On that basis I am putting forward my case. Having regard to that fact that he has deprived this House of an opportunity of expressing its opinion on the desirability or otherwise of that nomination, I think, Sir, you will not be justified in allowing the hon. the Raja of Panagal to make a statement with reference to that question at this stage."

* The hon. the RAJA OF PANAGAL :—"I am only meeting the point raised by the Member on the other side. He has himself led to the discussion which I admit is not quite relevant to the main question."

* Mr. S. SATYAMURTI :—"On a point of personal explanation. I must say that it is the hon. the Raja of Panagal's own choosing to give us an opportunity to debate this matter which you ruled out yesterday. I am glad. I have not made out my case; if I am allowed I will make out a case and convince him that this phrase 'fraud on the power of nomination' is rightly used in this particular case. I must request you in all humility not to allow him to answer a case which I have not made."

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* The hon. the PRESIDENT: "Will the hon. the Raja of Panagal confine himself to the subject-matter that is being discussed just now, not the question whether the phrase 'fraud on the power of nomination' is justified or not, especially the merits of Mr. O. Tanikachalam Chetti's appointment."

* The hon. the RAJA OF PANAGAL:—"I am not going to refer to details relating to Rao Bahadur Tanikachalam Chetti's nomination, but I must say that the nomination is not a fraud because it was of a gentleman who not only could have been but deserved to be nominated."

Mr. J. A. SALDANHA:—"I again rise to a point of order. Is the hon. the Minister going to defend his action that it is not a fraud? That is not the issue before the House. The question is whether the word 'fraud' is a wrong term used."

* The hon. the RAJA OF PANAGAL:—"I have also authorities to say that fraud implies moral wrong. I am quoting the opinion of an eminent judge. 'Fraud' in my opinion is a term that should be reserved for something dishonest and morally wrong. And much mischief is, I think, done as well as much pain inflicted by its use where illegality, illegal . . . (Wills).

"Again, Sir, I am quoting another authority. 'There is no real difference between legal fraud and fraud.' (Law Journal 14 Appeal Case 307.)

"There is no such thing as legal fraud without moral fraud.' (52 Law Journal, Queen's Bench, page 609.)"

Mr. SAMI VENKATACHALAM CHETTIAR:—"May I know if the extract just now read out is the opinion of the Judge as to the meaning of 'fraud' or 'fraud on power'?"

* The hon. the RAJA OF PANAGAL:—"I do not see much difference between the two." (Mr. Sami Venkatachalam Chetti: 'Hear, hear.')

Mr. C. RAMALINGA REDDI:—"Mr. President, whatever may be the use, on the merits of the question whether or not fraud could be implied or not, I wish to appeal to you to let us know where exactly we are with respect to the present controversy. We had a motion before the House. It undoubtedly belonged to you to declare that the term was unparliamentary. As you yourself have pointed out, the occasion for that was lost, that objection was not taken yesterday. So it is merely a matter of mutual adjustment between the Raja of Panagal and my Friend, the Member for the University. But from the trend of the discussion, one fears that my hon. Friend, the Member for University, is not prepared to concede that that term is unparliamentary (hear, hear) and he is not prepared to take the obvious step, namely, of withdrawing it; but he makes it clear that he did not intend any kind of moral reflection on the hon. the Minister."

* Mr. S. SATYAMURTI:—"On a point of personal explanation. By the phrase I used, I did not attribute any moral turpitude to him."

Mr. C. RAMALINGA REDDI:—"My hon. Friend thinks that moral reflection is a genus of which moral turpitude is a particular species. I have the satisfaction of saying that he meant only moral turpitude and not moral reflection. Very well. It is a painful controversy and I really do not know if much good purpose will be served by our proceeding with this

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matter further. I can only appeal to my hon. Friend either to drop this subject or take the only obvious course, namely, after due notice, of bringing an urgent motion."

Mr. R. MADANAGOPAL NAYUDU:—"I thought it was already settled that the time for saying whether the word was parliamentary or unparliamentary was already past and that when my Friend has read from the Encyclopædia of the Laws of England that it sometimes connoted moral reflection with your appeal I hope he might change the phrase or delete the word 'fraud'."

2-30

p.m.

* The hon. the RAJA OF PANAGAL:—"As my hon. Friend is not prepared to withdraw the words, I have only to take another opportunity to make a formal motion requesting the House to delete the words from the proceedings."

Mr. SAMI VENKATACHALAM CHETTIYAR:—"May I know if the hon. the President is of opinion that that phrase should not be allowed?"

* The hon. the PRESIDENT:—"The time for my expressing an opinion has long past. That is my difficulty. The suggestion that I made was that Mr. Satyamurti might perhaps use another expression which would as strongly express his meaning as that to which exception has been taken. I made that suggestion only with a view to preserving that atmosphere of courtesy between the various hon. Members. But, if hon. Members want to stand on their rights, then they may take the usual course."

Mr. C. RAMALINGA REDDI:—"On this matter may I make an appeal to you? After all, in the debate on the motion of which my hon. Friend, the Raja of Panagal, gave a kind of notice, we have to turn to the dual aspect of the question."

* The hon. the PRESIDENT:—"How do you spell it, please?"
(Laughter.)

Mr. C. RAMALINGA REDDI:—"For the present I will spell it with 'a', not with 'e' as you humourously suggest (laughter). First, we have to look into the merits of the particular nomination and then we have to examine whether that particular term could be employed to characterize the action of the hon. Minister.

"Now, in regard to the first thing, you have ruled out discussion on the adjournment motion and we shall be getting back to it on this substantial motion if we do not confine our attention as to whether or not the term 'fraud' could be employed. Now, I may say that this occasion puts you in jurisdiction over the matter and gives you an occasion to declare whether it is parliamentary or not. Supposing you hold the term to be parliamentary, then even my hon. Friends opposite cannot take exception to it; because it is not given to a majority, however big, to try to interpret the language employed by a minority, however small. They can only take exception to it . . ."

* The hon. the PRESIDENT:—"That question is not before me or before the House. That question will be examined by me when a motion objecting to the use of these words is made."

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*Mr. S. SATYAMURTI:—"A word of personal explanation, Sir. You were good enough to say, in reply to the hon. Member from Chittoor, that you made a suggestion or an appeal to the parties concerned to use another phraseology which might express equally strongly our views. Sir, my position is this. If either the phrase had been ruled unparliamentary—according to my humble judgment it was parliamentary—or if the hon. Minister had waived his objection and merely made an appeal to me as man to man saying 'I appeal to you as a colleague to use another phrase to uphold the dignity of the House,' I would have used another phrase. My offer is still open. But if he is going to challenge me, I will take that challenge and I will try to convince this House and you that the phrase is perfectly parliamentary. I want to correct myself in your eyes. I am willing to respond to your view. I am willing to respond to a human appeal. But if it is a question of rights and wrongs, I am not going to concede I was in the wrong."

*The hon. the PRESIDENT:—"In view of the fact that Mr. Satyamurti has once more offered to change the particular form of words if he is appealed to in a proper form, may I ask the Raja of Panagal if he would not accept the offer made by Mr. Satyamurti? He is quite willing to change it and substitute less objectionable words."

Mr. A. RAMASWAMI MUDALIYAR:—"Mr. President, I had the misfortune of not having arrived at the proper moment. I thought the discussion centered round this simple issue whether the expression 'fraud' is parliamentary or not."

*The hon. the PRESIDENT:—"No, no. That is not the point. The hon. Member will kindly resume his seat (laughter). There is a doubt as to whether the phrase 'fraud or the power of nomination' is one that might without any objection be used by one Member in characterizing the action of another Member of this House. The question whether the form of words used is parliamentary at all is not at all either before me or before the House."

Mr. A. RAMASWAMI MUDALIYAR:—"Then I would only appeal to my own leader to say that no personal appeal, apart from an appeal to observe parliamentary precedents need be made and, if it should go forth as your decision and as the decision accepted by this House that 'a fraud on power' is not unparliamentary there are many of us on this side of the House who would take occasion to exchange such phrases as matters of courtesy between a portion of the House and another. We will also see that a careful and vigilant search is made as to what terms can be safely used as near unparliamentary language as possible and we shall be guided by those expressions in future."

Mr. C. RAMALINGA REDDI:—"I do not think that this threat of reprisals is going to help us very much in the matter or is going to be conducive to the maintenance of the dignity of this House which is the common objective, I take it, of all the parties here. What I was going to say, Mr. President, was that in view of the idea thrown out by my hon. Friend, the Raja of Panagal, that he would move an urgent motion to the effect that these terms be deleted as unparliamentary, the matter might again come under your jurisdiction and since he could move it only if these terms were regarded as

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unparliamentary and since it would be left to you to decide whether they were parliamentary or not, I thought you might cut the Gordian knot by declaring whether, in your opinion, however objectionable the employment of such terms might be, on other grounds, those terms were actually unparliamentary or were permissible in Council."

* The hon. the PRESIDENT :—" My difficulty, as I said, has been that I cannot and could not decide whether the form of words is parliamentary or not unless objection is taken at the time those words were uttered. I am therefore again asking whether the hon. the Raja of Panagal will make that appeal to Mr. Satyamurti which Mr. Satyamurti was willing to accept."

* The hon. the RAJA OF PANAGAL :—" I have already expressed my opinion on the matter. I am not particular as to how the action of the Government is represented by the hon. Member for the University."

Mr. C. RAMALINGA REDDI :—" I think it is something more than a personal matter, Mr. President. I mean, an appeal may be made in the name of the Council on account of the harmony that should prevail between the different sides of the House. Therefore it is not a matter in which the Raja of Panagal is in any way personally interested. What I was going to suggest to you, Mr. President, is this. It seems to me that the issue at this stage is very simple. If the Raja of Panagal is going to make this motion at all, it would be to settle the question whether it is a parliamentary expression or not. On that, I hold the view that your ruling would be just as satisfactory as any other decision and, in fact, it is peculiarly the province of the President to rule whether it is parliamentary or not. That being so, if you rule it to be parliamentary, I do not suppose an urgent motion would lie. If you rule it as unparliamentary then, there is no need to make that motion at all. So, in either case we shall save ourselves the trouble of urgent motions if you give your ruling now."

* Mr. S. SATYAMURTI :—" Sir, as I am concerned in this matter, I want to make an appeal to you. I am as anxious as any Member of this House to uphold the traditions of courtesy in this House. We can speak strongly, yet courteously. I know it and you know it. You heard the Raja of Panagal say 'I am not very keen about what the hon. Member for the University thinks of me'. I appeal to you whether it is the language to be used by a responsible Minister to a Colleague of his in the House. Do you think that the appeal I made is to be treated in this fashion? I am not appealing for mercy or protection. I am only asking you to say if this is the way in which the Treasury Bench, especially the majority Party, should treat the minority Party. If my expression is to be expunged by a mere majority vote, our mouths can as well be shut. So, unless you come to our rescue and uphold the privileges of this House, it would mean the negation of the freedom of speech which we all highly value. I would appeal to you to see if there is anything *per se* objectionable in the expression. Again, Sir, I would appeal to you to remember the manner in which the hon. the Raja of Panagal treated my appeal. He says he is indifferent to what I think of him. I may return the compliment. But I am not going to. I am anxious to have the good opinion of every hon. Member, including the Raja of Panagal. To me no one is too small or too great,

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Sir, I would request you to say who is right and who is wrong. Even though they are Ministers, they owe something to this House in the same way in which every hon. Member owes."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know where we are (laughter) and whether the Raja of Panagal wants to move the motion ? "

* Mr. A. RANGANATHA MUDALIYAR :—" Perhaps the matter may come again within your jurisdiction, Sir, if I may mention that so far as I can remember, the hon. Member for the University repeated the expression in the course of the debate this morning. So you have jurisdiction in the matter and can give your ruling."

Mr. C. RAMALINGA REDDI :—" Sir, if you want me to create an occasion to enable you to give a ruling, I will call somebody or something a fraud." (Loud laughter.)

IV

COMMUNICATIONS TO THE COUNCIL.

(1)

The Secretary laid on the table copies of the " reports of the Collector of West Godavari regarding the headquarters of the district

(2)

The Secretary laid on the table "copies of G.O. No 1542, Development, dated 27th October 1925, regarding the account and audit report of Fisheries—Canuery—for the year ending 31st March 1925.

(3)

With reference to the promise given by the hon. the Minister for Excise on 1st April 1925, that he would afford facilities to the Members of the Council to discuss the report of the Advisory Committee before Government pass final orders thereon, the Secretary laid on the table copies of the " report of the Committee.

* Mr. S. SATYAMURTI :—" Have these papers been laid on the table, Sir ? "

* The hon. the PRESIDENT :—" They have been laid on the table."

* Mr. S. SATYAMURTI :—" With your permission, I wish to raise a question on that. With reference to item (3) on the agenda, may I ask the hon. the Minister for Education to be good enough to say whether he will fulfil his promise to give facilities to discuss that report and if so, when ? "

* The hon. Rao Bahadur Sir A. P. PATRO :—" It is open to any hon. Member to send up notice of any resolution on the report."

* Mr. S. SATYAMURTI :—" My hon Friend, Mr. Ramalinga Chettiyar, would correct me if I am wrong; the agreement then was that there would be special facilities given to us. The fact that we are allowed to move resolutions and run the obstacle race of the ballot is not the fulfilment of the

^a Printed as Appendix II on pages 236-240 infra.

^b Printed as Appendix III on pages 241-254 infra.

* Printed separately.

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promise given at that time. I am asking the hon. Minister whether, apart from the normal facilities which we all know, he is going to give us any other facility to discuss this report."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" If I remember right the hon. Minister gave a specific undertaking that special facilities would be given for discussing this report. I would not have withdrawn my motion were it not for this undertaking. I would ask him to refresh his memory by referring to the proceedings of this House and then say whether he is not bound by the undertaking given."

12-45
p.m.

* The hon. Rao Bahadur Sir A. P. PATRO :—" The facilities that are to be given are referred to to a particular statement made by my hon. Colleague, Sir C. P. Ramaswami Ayyar. He said that if a resolution was sent in and if it was ballotted, and if there was no official business remaining, then an official day would be allotted for the discussion of the report. I think my hon. Colleague, Sir C. P. Ramaswami Ayyar, will corroborate me."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" It is at some distance of time that I am called upon to remember this matter. What I remember to have said was that facilities would be given for a discussion of this matter, and that if a resolution were tabled we would waive an official day."

Mr. C. RAMALINGA REDDI :—" That justifies our demand for an official day being given for the discussion. We do want to table a resolution."

* The hon. the PRESIDENT :—" The hon. the Minister for Education promised that he would bring up this subject in the form of a resolution. I think it is for him to bring forward a resolution because I think no non-official can bring forward a resolution without allowing it to go through the ordeal of the ballot. If the hon. the Minister for Education has decided to allow the House to discuss the report, it is for him to table a resolution."

* The hon. Rao Bahadur Sir A. P. PATRO :—" I am afraid, Sir, you are not correctly interpreting me. I never undertook to move a resolution on the report."

* Mr. S. SATYAMURTI :—" Sir, this is the wording used on the Agenda paper to which I would invite your attention. This is what is said :

"He would afford facilities to the Members of this House to discuss the report of the Advisory Committee before Government pass final orders."

"Is it now suggested that Government are going to pass final orders without giving us those facilities, saying that we have not earned those facilities? I submit that, subject to the correctness or otherwise of the proceedings from which I have quoted and which I shall presently produce, it is not open to the Government to shut out those facilities. It is up to them to give us those facilities before they finally pass orders."

* The hon. the PRESIDENT :—" With reference to the remark of the hon. Minister that I am not correctly interpreting him, I believe he promised to give facilities for the report being discussed. If he wants to give facilities for a discussion of the report the normal way in which he can do it is by moving a resolution. I do not know in what other way the report can be discussed on the floor of this House."

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* The hon. Rao Bahadur Sir A. P. PATRO :—"The Government can pass orders without giving the House an opportunity to discuss the report. Facilities can be given for a discussion of the report by allowing the Members to make a motion on the report."

* The hon. the PRESIDENT :—"May I ask whether any Member of this House can initiate a discussion on the report?"

* The hon. Rao Bahadur Sir A. P. PATRO :—"He can do so by giving notice of a motion."

Mr. C. RAMALINGA REDDI :—"What he seems to suggest is that both sides may agree and set apart a day for the discussion of this subject. If that is the view, and if you, Mr. President, permit it, we shall be very glad to table our resolution, and, as the hon. the Law Member has promised, he can join us in giving us an official day for the discussion of the report. Then we need not go through the ballot."

* The hon. the PRESIDENT :—"I find that under the Standing Orders the President may waive notice in regard to resolutions. So, if any non-official gives notice of a motion I shall be glad to consider it."

* Mr S. SATYAMURTI :—"I hope we can give notice to-morrow."

* The hon. the PRESIDENT :—"It may be given privately."

* Mr. S. SATYAMURTI :—"Yes, private notice."

* The hon. Sir C. E. RAMASWAMI AYYAR :—"Does 'to-morrow' mean that the discussion is to take place to-morrow? If it is so, I should like to say something. I was not aware that any discussion of this kind was going to take place or that a day was going to be asked for it. Government business has been arranged to take place on Wednesday, Thursday and Friday but it is possible that Government business may be over on Thursday. If so, Friday may be availed of. If it is to be earlier, we will have to postpone many matters which are somewhat urgent."

Mr R. MADANAGOPAL NAYUDU :—"Further, the report has been placed in our hands only to-day. It would be more convenient if we had the discussion on Friday so that we might study the report in the meantime."

V

NON-OFFICIAL BUSINESS.

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920

* Mr. G. RAMESWARA RAO :—"Sir, I beg to move that leave be granted to introduce a Bill to amend the Madras Local Boards Act, 1920."

"Sir, the Bill has been published in the *Fort St. George Gazette*, dated 29th September. The object of the Bill as enunciated in the Statement of Objects and Reasons is to do away with the difference that exists between the village headmen and karnams. It has been admitted on all hands that there is no justification for this difference and that no such thing was ever existing until this difference was made recently by the Government. As a matter of fact, resolutions on this point have been moved from time to time at a number of village officers' associations. In the first place, I would refer to the resolution passed by the Presidency Village Officers' Conference

[Mr. G. Rameswara Rao]

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on 1st February 1925 at Chidambaram under the presidency of my hon. Colleague, Mr. C. Marudavanam Pillai. I shall read one of the resolutions that was passed there to show the feeling on the point as it is existing among the village officers themselves as to the difference that is sought to be created between them. Resolution No. 9 therein runs as follows :

' This Conference requests its president and other members of the legislative to get an amendment passed thereby substituting the expressions "village officers" in place of the present expression "village headman" wherever it occurs in the Local Boards Act as is the case in the Village Panchayat Courts Act and the District Municipalities Act.'

" Thus it will be seen that this difference is not made either in the Village Panchayats Act or the District Municipalities Act. In fact in answer to a question raised some time ago the hon. the Minister for Local Self-Government was pleased to say that such difference was not perpetrated either in connexion with the village panchayats or legislative bodies or municipal councils. When the principle of 'no difference' is accepted in the case of other elective bodies, I cannot understand why such difference must be brought in only in the case of local boards. District municipalities are as important as any other corporation and in the District Municipalities Act there is no such difference made. The village panchayat formed under the Act of 1920 is one such body. In none of these Acts a difference has been sought to be made between village headmen and karnams. So it is impossible for me to conceive of any reason why such a difference should be made in the case of local boards only. The same idea was emphasized later on, on the 11th October 1925, in a resolution passed by the Village Officers' Association of Cuddapah. I refer to resolution No. 6 passed by that Association. It runs as follows :

' This Conference requests the Government to amend the Local Boards Act and District Municipalities Act to enable the village karnams to stand for elections to the local boards and municipalities.'

" The third resolution that I would refer to is the one passed by the village officers at the conference held at Trichinopoly on the 18th October 1925. I refer to resolution No. 6. That was a conference held under the distinguished presidency of Diwan Bahadur Sir T. Desikachariyar and the resolution runs as follows :

' This Conference gives its hearty support to the amending Bill of the Local Boards Act brought for removing the disability of karnams to become members of the union, taluk and district boards.'

" I have only collected some resolutions passed by some of the conferences. I daresay that it is the unanimous opinion of all village officers in the whole Presidency, as signified by the Presidency Village Officers' Association itself which has also passed a similar resolution, that no difference should be made between karnams and village headmen. Therefore, if I am not able to gather the various resolutions passed by the village officers of other districts, it is not because there is difference of opinion between them on that point but because opinion is so unanimous and uniform that it would be simply waste of time to collect the various resolutions and quote them *seriatim*. I therefore have very great pleasure in bringing forward this motion for the acceptance of this Council so that they may thereby do away with the difference that exists between karnams and village headmen at present."

Rai Bahadur T. M. NARASIMHACHARLU :—" I have great pleasure in seconding the motion. I am only too glad to point out that there is really

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no difference in status or otherwise between village headmen and karnams. The headman of the village can hold land, can employ himself in other avocations and he is not bound by the rules which regulate the conduct of public servants in this Presidency. The village headman can become a member of the local board and I fail to see on what ground the village karnam is prevented from doing so. It is stated in the Local Boards Act that he is a salaried officer or, at any rate, he is classified under 'salaried officer'. Even the village headman is a salaried officer. It is said that if the karnam is allowed to become a member of the taluk board it would interfere with his duties as karnam. I submit the same argument holds good with respect to the village headman also. If the village headman without prejudice to his duties can be allowed to stand for election in the case of local boards, I fail to see how a village karnam can be in a worse position. It is feared by some that if the village karnam is given this privilege he will interfere with the elections and that it is not a desirable thing. I think that argument is not at all sound for this reason: whether he is allowed to stand for election or not, all the same, he is there in the village and he is capable of some influence and if he wants to use his influence, he can do it, whether he is allowed to stand as a candidate for election or not, in favour of others. Therefore, I submit, the argument, that this kind of prohibition will prevent him from exercising his influence in the elections of other members is altogether wrong. In fine I submit that the exclusion of karnams from standing for elections is altogether unwarranted. He is not a full-time officer and he is not expected to devote all his 24 hours for the benefit of the Sirkar, and consequently he must be allowed to act just as the village headman is allowed to act. The karnam has got interest in the affairs of the village, in the village sanitation and in the village education. He is an influential man and it is better that we give him the freedom of standing as a candidate for election to the local bodies 1 p.m. Then he might be able to shape the policy of these local bodies and improve their usefulness to the people. I think this distinction ought not to be made between these two officers and the privilege must be conferred on the village karnam. I have therefore great pleasure in supporting this motion."

* The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I think the hon. Members who are advocating the cause of the karnam are giving up the cause of the village headmen. As a matter of fact, the question of removing the exemption in favour of the village headmen may be considered when the general amending Bill is taken up for consideration. The contention on the part of the hon. Mover and the Seconder is that there is no difference between the status of the karnam and that of the village headman. I cannot accept that contention. There is a great deal of difference; the one is, as it were, the administrative head of the village and the other is simply an accountant. The hon. Member for Cuddapah said that since the karnam has the influence and is likely to exercise that influence in the elections he may as well be permitted to stand for election himself. But exercising his influence in the case of the elections of others is quite different from exercising his influence in the case of his own election. Generally, the rural population is uneducated and if the privilege to stand for election is given to the karnams there is bound to be room for complaint about elections. The existing law is that no salaried officer of Government shall be qualified for

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election as a member of the local board. But there is a proviso, making an exception in favour of the village headmen. Exceptional treatment is provided for in the favour of the village headmen. My hon. Friends in the Opposition want to extend this treatment to the karnams also. But Government have been advised that it is not desirable to extend this privilege to the karnams. Under these circumstances I am sorry, Sir, I have to oppose the motion."

* **MR. C. V. VENKATARAMANA AYYANGAR** :—" Sir, I am very sorry that Government should oppose such a mild motion as this from the Opposition. All that the Bill wants to provide is to put the village headman and the karnam in the same category. In many respects their status is equal at present. The rules regarding the conduct of Government servants apply to them equally. It is only in this particular Act that this distinction is made. The mere fact that a village karnam is allowed to stand for election does not mean that he is elected. But if the majority of voters think that a particular man, be he the karnam or anybody else, would serve them well, I do not see any reason why he should not be allowed to do so. I do not see how the karnam can be said to be more influential or say, more objectionable, than the public prosecutor and other such officers, who do not come under the category of salaried officers but still wield a good deal of influence over various departments such as the police. In the election to the Legislative Council the district board presidents and the taluk board presidents exercise a good deal of influence and on that score Government have not thought of disqualifying them at all. We know that many karnams are very intelligent and educated and therefore their presence in the local boards would be of much use to these bodies. Simply because a man is a karnam and therefore he should be prohibited from standing as a candidate to the local bodies seems to be unreasonable. This Bill does not say that these officers should be ex-officio members of these bodies. It only enables them to stand as candidates for election. If the electorate should choose them I do not see any reason why the Government should oppose it. I request the Government to re-consider the matter and not object to this Bill. If any restrictions are necessary they may be provided for in the select committee. For instance, we may say that the karnam may stand as a candidate with the permission of the Collector to whom he is subordinate. If, in a small village, the karnam has not got sufficient work and if the Collector thinks that the karnam will be a useful man, then, the Collector may be given the power to exempt the karnam from this provision and allow him to stand for election. But to say that for ever and for ever the village karnam should not stand for election and thus make a distinction between the karnam and the headman is to create mutual suspicion and trouble between them where there should be co-operation and trust. The one must not feel that Government has made him an inferior to the other. From all these points of view it is better to allow this Bill to go to the select committee.

" We would like to know also from the hon. the Revenue Member about the Government order that is supposed to have been circulated to the various district officers asking them to prohibit the village officers from exercising any influence in all elections. This order has not been published nor has it been placed on the table of the House. But some newspapers have published the information to the above effect. There is no

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reason why this should be a purdah Government Order and why it should not be published. The Government need not be ashamed of publishing it and they need not be afraid of public criticism. There is no reason why the village officers should not stand for election or why the candidates for election should not seek the help of the village officers. The village officers are at the bottom rung of the ladder of Government and to provoke them and insult them by such invidious distinctions seems to me to be very unfair especially when there are a number of suggestions to curtail their pay and their powers. I request the Government to allow this Bill to go to the select committee."

* Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, Sir, I give my support to the Bill. At the very outset I must express my surprise at the supremely disappointing attitude taken by the hon. Chief Minister on this very modest Bill which only seeks to remove an outstanding disability. There is absolutely no danger of the local boards being flooded with these karnams in the near future. They feel the weight of the slur cast upon them and only want this invidious distinction to be removed. I shall take one concrete instance to illustrate my point. For instance, the provision enabling headmen to stand for election has been on the statute book for some years past and no calamity has befallen these local bodies. There are five taluk boards in my district with power to elect 81 members on the whole. Out of these 81 members, only two have come from the category of village officers. Two village headmen are sitting in two of these five taluk boards. If the same privilege is extended to the karnams also there is no reason to suppose that a large number of them would compete for seats to the prejudice of the other candidates. The village karnams are anxious to have this embargo removed so that such of them as are interested in taking a share in the civic activities of the taluk boards may do so by entering the boards through the open door of competition. It cannot be said that their entry into the local boards will interfere with their discharge of their Government work. We know, as a matter of fact, that these local bodies meet only once in two months. If there is any dislocation of Government work it will be so negligible as not to attract the attention of the public. View the matter in any light, there is no justification for the attitude of the Government.

“ The hon. the Chief Minister at the very outset of his remarks stated that it was under contemplation to bring in a Bill taking away the privileges now enjoyed by village headmen.”

1-15
p.m.

* The hon. the RAJA OF PANAGAL :—“ Sir, I said the question may be considered.”

* Mr. R. SRINIVASA AYYANGAR :—“ Very well, Sir. Let us not feel ourselves embarrassed by the fact which after all may or may not fructify. When it emerges out of the consideration stage, when it takes a concrete shape and when it is placed before the Council and when the Council gets seisin of the subject-matter, that will be the time for us to attack it with all our might. Therefore let not this remote possibility of the village headmen being deprived of the existing privilege stand in the way of our considering the present Bill on its own merits. Till then, let these gentlemen also be permitted to have the same privilege and when the time comes let them sail together or sink together. The hon. Minister also stated that the Government are advised that it is not desirable to extend the privilege to the village karnams. I do not know exactly by whom they have been advised, and on

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what materials that kind of advice was based. We have not been taken into confidence. But so far as the speech of the hon. Minister has gone, it has failed to carry conviction to us and there is absolutely no reason to make any difference between one class of officers and another. As I stated at the very beginning, there is absolutely no danger of these men swamping the local bodies to the exclusion of others who may feel inclined to get into the portals of these institutions. Therefore, equity, reason, justice and reasonableness demand that these men also should be allowed the privilege which their *confreres* or colleagues have been permitted to enjoy. And, therefore, I will once more appeal to the hon. Minister to review, to reconsider the position and not to strangle the measure at this stage but allow it a chance of going before the select committee where, if necessary, if circumstances warrant, sufficient and necessary safeguards may be made to prevent what the hon. Minister thinks to be a danger likely to interfere with the elections. That will be the appropriate stage for forging the necessary fetters with a view to clip the misguided activities of these people. The Government are not wanting in their resources and it is perfectly possible for them to so manage the whole thing as to allow these people to get into the bodies without at the same time enabling them to do any mischief either tangibly or indirectly. I once again appeal to the hon. Minister to withdraw the position he has taken and allow the Bill to go forward before the select committee."

Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, I am afraid I am not in a position to support the Bill that has been moved by my hon. Friend from Anantapur. I feel, Sir, that this measure is one not intended so much to help the karnam as to detract from the position of privilege which the village headman is occupying. If I, for a moment, have the divine right of seeing through the mind of my hon. Friend, I take it in Parliamentary assemblies I am not permitted to do that, I should think that what he wants is to place the headman and the karnam at any cost on the same level. If you cannot preserve for the karnam that right which the headman now has, let the headman also lose that right. I feel, Sir, that the inevitable result of passing this measure will be to force the hands of the Government—unfortunately I see already tendencies in that direction—to deprive the village headman of the little privilege that he now has. That is a dangerous thing not merely from the point of view of the Government but also from the point of view of the village administration. There is absolutely no comparison between the power and the status of the village headman and the village karnam. Series of District Collectors who have had enough experience of the working of both the authorities must testify to the fact that the nature of the work which devolves on the headman is entirely different from that which devolves on the village karnam. And it cannot be gainsaid that the village headman is there not merely doing some routine work but he is there as the head of the village, as the person who is looked upon by all classes of the people for all disputes, for the settlement of all troubles; and the position of the headman, therefore, has to be strengthened as much as possible and his prerogatives have to be preserved if village administration is to be smoothly carried on. I think Government itself has realized during a series of decades that the village headman is its ultimate power, the last thing on which the Government has to depend, not merely for the collection of its revenue but for the more important task of preserving law and order in the village. There is no question that the village karnam is called upon to do

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these onerous duties and undertake this great responsibility which devolve on the village headman. And if, therefore, the Government have thought it fit and advisable to extend a courtesy to the village headman, to give him a power which is denied to the village karnam, it is not because a distinction is sought to be made between two sets of officers of the same status and of the same grade, but because the Government have realized that the one officer is entirely different in status, in grade, in responsibility and in position. And may I not add that whatever considerations are brought to bear on the Government, that essential distinction will be kept up? The hon. Member for Coimbatore referred to a recent circular that has been issued by the Government. I saw references to it in the daily newspapers and I regret very much if it is a fact that that step should have been taken. I hope we will have an opportunity, a very early opportunity, of discussing the advisability of the issue of that circular. It seems to me, Sir, that while on the one hand opinion is gaining ground and agitation is being carried on for making the post of village headman honorary, if possible, giving him some small remuneration by way of honorarium, it seems to me, Sir, hard, on the other, that the Government should come forward to take away the privileges which are attached to the office of the village headman. We are to-day thinking a great deal, all sections of people, both on the official and on the non-official side, of village reconstruction, of rural elevation and if the new Viceroy who is to come out very shortly is considered an authority on agricultural conditions, I venture to prophesy that these circumstances will only lead him to a consideration of the reconstruction of the village, to a consideration of the reconstruction of the old panchayat system which was till now in force. The village hierarchy in India, especially, is a thing which has earned a name and fame for itself and it seems to me the one corner-stone of that village hierarchy, the one thing which will make the arch of village government exist safely, the keystone of the arch, will be the village headman. So far, therefore, from depriving him of the privileges that he now possesses, it ought to be the duty of every Government which seeks to exalt the position of the village population to see to it that his position is strengthened as far as possible. And, conversely, if you are to strengthen the position of the village headman, you are bound to see to it that the village karnam is recognized as a salaried officer. That is essential for you cannot have the twin deities in the village which will do havoc. And therefore while the village karnam is and has been recognized through a long course of years as a salaried officer who is not entitled to these privileges, it ought to be the duty of the Government to see that the post of the headman is increased more and more in importance. I, Sir, have not always been an advocate of increasing the salary of the village headman and I have several times differed from those gentlemen on the other side who have moved resolutions to increase their salary to Rs. 20, 25 and 30. As I have said once before, if it is a question of remunerating the headman for the service that he is rendering, the salaries that had at any time been proposed by any hon. Member of the Opposition would not do adequate justice to him. That is not the point of view from which to look at the position of the village headman. I feel and I have tried my level best to combat the feeling on the part of the village headmen themselves—and I am glad to find that in many parts of my own district and in other districts also, the village headmen are coming to realize the position—I feel strongly that the village headman is there not on account of the salary that is paid to

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him but on account of the position that he is entitled or allowed to occupy in the village, and that position ought to be maintained if you are to get from him all the good that you are now getting. With reference to the panchayats also, I believe I will have an early opportunity when the Village Officers Bill will be under consideration to give expression to my opinion. I feel that the headman has not been given that position which he is entitled to have. I therefore strongly oppose this Bill and feel that it will be dangerous as much in the interests of the administration and of the Government as in the interests of the hegemony of the village that the village karnam should be extended this privilege which is now being availed of by the village headman."

Mr. P. ANJANEYULU :—" Mr. President, Sir, I am rather surprised that in this Council hon. Members are creating differences where, perhaps, if they go into the villages, they will find they do not seem to exist. As far as I know, Sir, at least in my district and in the neighbouring districts, there is not that sort of difference between the karnam and the munsif as most of our friends here seem to imagine. On the other hand, they heartily co-operate with each other; most of the munsif's work is generally done by the karnam and very often the karnam is helped by the munsif. That being so, to draw any difference between the two and to place one over the other or to prophesy certain things which, perhaps to certain people it is not given to prophesy, or to read into the mind of the mover certain things which are not possibly there, is not borne out by facts. If I may venture to read into the mind of the hon. Mover, I am rather nearer to him and I may be perfectly certain, it is farthest from his mind to wish that somehow or other if the village karnam is not placed on a par with village munsif the munsif, should be pulled down to the lower level of the village karnam. He was only fighting for certain rights for the karnam and these rights, as a matter of fact, have been conceded in the case of certain local bodies at present. In the municipalities, in the village panchayat courts, the village karnam is permitted to stand as a candidate and only in the case of the local boards, the taluk and the district boards that the privilege is denied to him. The hon. the Minister was pleased to say that even the privileges of the village munsif were really to be curtailed, if not altogether to be removed. Woe be the day when these village officers who are practically the spokesmen of the village are to be denied even this concession. I heartily echo the sentiment given expression to by my hon. Friend who spoke last, namely, that it is the village reconstruction that has hereafter to be looked into, and I hope his prophecy will come true that when the new Viceroy comes, the question of village reconstruction will be taken up and agricultural matters will be looked into. If that is the case, the spokesmen of the village, the index of the village, the karnam and the munsif, they should be given a voice in all matters that concern them and if the local boards, the municipalities and the panchayat courts are there for the people, mostly of the rural areas, their representatives ought to be given a voice in the disposal of matters concerning themselves. Instead of trying to pull down the privilege of the village munsif, we are only trying to see that some more privileges are given to the karnam also. There are two things that ought to be taken into consideration at this stage, whether the karnams are so much in evidence in places where they are admitted to be candidates and, if so, whether the fears expressed by the hon. the Chief Minister have been proven in any particular case, that where the karnams had such opportunities,

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they had misbehaved or brought the administration into contempt or whether they were not useful members of the panchayats or the municipalities where they had been given the right to represent their constituencies. These matters have to be examined into. I am perfectly sure it will be proved that most of the karnams are not much in evidence where they have been given the opportunity of standing as candidates; and in cases where they are popular, where they are powerful, their popularity and power have only added to the efficiency of the institution where they happen to have a seat. If that be the case, I do not know the reason why in the taluk and in the district boards they should not be given the privilege. If the time comes—I hope it will not—when the Government think of curtailing the privileges of the village munsifs, it will be up to us—and I echo the feeling of the other side of the House also—to fight equally well for the privileges of the village munsifs. I heartily echo the sentiments of my hon. Friend on this side of the House that the hon. Minister will be pleased to revise his opinion and see that this Bill goes through to the stage of the select committee.”

* The hon. the PRESIDENT:—“Will the hon. the Revenue Member be making a fairly long speech?”

1-30
p.m.

* The hon. Mr. N. E. MAJORIBANKS:—“I will take two or three minutes, Sir. After the speeches that have been made, Sir, it would be hardly necessary for me to say very much, and I would not speak, except for the fact that I am, I suppose, responsible for the work of these officers to some extent. I may therefore say as shortly as possible that no equality of status between the headman and the karnam can be admitted. Historically and administratively the karnam is the accountant and secretary of the headman, or his clerk, if you prefer that term. (Laughter). It is, I believe, Sir, not uncommon to find even in higher spheres than the village that the clerk is sometimes the more forceful (laughter) and more important personality. (Mr. C. Ramalinga Reddi:—‘Not more important, but cleverer’). But we have to regulate our policy according to the position that each of them legitimately occupies. While I do not wish to go into the question of the extent to which the headman should be at liberty to take part in politics or to stand for election to local bodies—things which are not exactly the same—I may say that the Government do not consider that the karnam can be a member of local bodies compatibly with his efficiency and with the proper discharge of his duties as karnam, and for that reason the Government would oppose any proposal to make him eligible for membership of such bodies.”

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

Mr. B. Venkataratnam made a speech in Telugu in support of the Bill, in the course of which he said that he wanted to give expression to his views on the question whether village karnams should or should not be allowed to stand for election to local boards. The most important question that they had to consider was whether the village headman and karnam were Government officials (servants) or not. From time immemorial both the village karnam and the village headman had been and had been treated to be in the same category, and the karnam was not treated in a way different from the headman. Incidentally, another important aspect that

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required their consideration was whether the Government Servants' Conduct Rules were applicable to village officers, as that would decide the question whether they were Government officials or not. The speaker thought that they could not come under the definition of Government officials and that the Government Servants' Conduct Rules would not apply to them, because both the village headman and the village karnam were, in addition to the duties of their respective offices, attending to other personal matters like agriculture and other professions and they were, unlike other Government servants, permitted to engage themselves in other professions and earn money otherwise, provided that their official duties were not interfered with. That was a privilege which was peculiar to the karnam and headman and absent in the case of other Government servants. No idea or opinion was ever expressed that they were wholtime servants of the Government. Under the old state of things, or up to even quite recent times, the rules applicable to them were interpreted to mean that the karnam and the headman were more part and parcel of the village community or village organization than a limb of the Government. They were always taking part in the life of the village and were pursuing their avocations along with the other inhabitants of the village, but were discharging Government duties if and when necessary. The duty of representing the grievances and disabilities of the villagers to the superiors always fell upon them and they were the spokesmen of the whole village in every matter. The only tie or bond between these village officers and the Government was that the former should do some work for or on behalf of the latter and should get some remuneration for doing it; otherwise, they were part and parcel of the village and not of the Government. The offices represented by these two persons were the only remnants that survived the wreck of the old village communities and organizations. They were the foundations, as it were, of village life, and their position and influence still survived. In any scheme of village reconstruction, the village officers would be the basis upon which the edifice is to be raised. If even this position was to be denied to them by the Government or others, and if village officers are made absolute servants of Government, it would be impossible to assess the magnitude of the blow it would deal to village life or integrity. The smooth running of village life would be made very difficult, if not impossible. These village officers always formed part and parcel of the village community, with interests and ties common with others; their offices were hereditary, they owned lands in the village along with other villagers and there was absolutely no difference between the life and interests of these people and of the villagers in general. When the interests of the village were jeopardised, it was their duty to speak on behalf of the villagers and defend them. But the trend of events seemed to make the speaker suspect that the Government wanted to make the village officers absolute servants of Government. The executive orders issued by Government about the village officers, the treatment accorded to them by the superior officers of Government, the threats and intimidations practised on them, all would show that they were made practically the servants of Government. Such a state of things would be productive of evil consequences in the villages. The hon. the Revenue Member had said that the karnam was a mere clerk or accountant and was a Government servant to a greater extent, and the speaker suspected that the idea of the Government was to bring the village munsif also to the same level. That should not be allowed to come to pass. Once it was admitted that the village

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officers were not servants of Government or Government officials, it was but just and reasonable that they should be allowed to enjoy the rights and privileges of other villagers in every respect. It may be a fact that the karnams command much influence, and they may be a power in the village, but that would be no reason why they should be deprived of their rights. For the last seven or eight years, this matter had been engaging the attention of the various conferences of village officers—not of karnams only or munsifs only but of all village officers—and various resolutions to that effect had been passed. Though the duties of the headman and karnam were different, on the whole both of them were equal and their status was the same in the village; if their status was not equal, it would not be conducive to the good of the village. In the course of the discussion in the morning the hon. the Chief Minister had said that it was under the consideration of Government to deprive the headman of the existing right of standing for election. There was not anything which was fraught with so much evil consequences to the village as to deprive the headman of the right. He concluded that the rights enjoyed by the village officers in common with others should be preserved and should not be taken away, and that the Government could get their work done by these officers without depriving them of these rights and privileges.

* MR. S. SATYAMURTI:—“ Mr. President, Sir, I rise to move that the further consideration of this Bill be adjourned to the next meeting of the Legislative Council. I shall very briefly state the reasons why I make this motion. I may say at once that personally I am against all kinds of public servants, whether full time or half time, having anything to do with elections to our local bodies or our legislative councils. In India, Mr. President, our greatest difficulty is due to the fact that we are passing through a slow transition stage from bureaucracy to qualified democracy, in the hope that ultimately democracy will be established in the country, and in this change from Government by public servants to Government by the people the greatest danger is the influence of officials, direct or indirect, in the elections to these deliberative bodies, and in those deliberative bodies themselves. I have no doubt you will agree, Mr. President, that this House will improve in its character as a governing chamber, if the officials were conspicuous by their absence in this House; and if I can say that of the highest officials, I am sure it will be conceded that these smaller officials will certainly not enhance the prestige or the usefulness of those deliberative bodies. I do not agree with my hon. Friend, the Member for Chingleput, who waxed eloquent this morning before lunch over the status of village headmen and pleaded that they should not be deprived of their existing rights. Now, Sir, I am one of those who believe that these village headmen no longer represent the class of headmen which they were some years ago, if not decades ago. They have ceased to be headmen really. They are the servants of the bureaucracy; they are paid by them and look to them for being kept in their offices. More than that, they are hereditary officers. Therefore, I do not think that they can be properly said to be in the position which they once occupied as the titular and real heads of their villages; they cannot be treated in that fashion. My hon. Friend, however, went further and proved too much, or rather attempted to do so, when he said that the Government ultimately rests upon the village headmen who are responsible not only for revenue collection, but for the maintenance of law and order, and

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therefore they ought to be allowed to have all these privileges of standing for election and being returned to our legislative and local bodies. If that were so, Mr. President, I would suggest that all police constables, all police sub-inspectors, all circle inspectors and all district superintendents of police be made *ex officio* members of our Legislative Councils, because they are the men on whom directly the maintenance of law and order depends. It seems to me, Mr. President, that we must learn the first lessons of democracy and we must teach our people the first lessons, and the most difficult part of that lesson is that our electors must more and more learn neither to be coerced nor to be influenced by official votes or official speeches, or official influence. Are we doing it when we try to ask for these privileges more and more? If the matter stood there, Mr. President, I should have opposed this Bill here and now, but unfortunately the matter does not stop there. But the whole subject is full of anomalies. You will see, Mr. President, that in the Statement of Objects and Reasons which the hon. the Mover has appended to his Bill he stated :

‘ There is no legal impediment in the way of a karnam competing for an elected seat in any other local body or in the Legislative Council or Assembly in this country. There is no justification for the disability now imposed on the karnams (by implication) as regards his eligibility for a seat in the local boards such as the taluk and union boards. The position of the village headman and the karnam is to be the same as both are salaried officers under the Government. The present Act recognises the position of the village headmen as such.’

“ My submission, therefore, Mr. President, is this: that we must deal with this question comprehensively and as a whole, in order to put the whole law with regard to the part which these salaried officials of the Government may, or rather may not, play in our elections and in our legislative and local bodies. The hon. the Minister said this morning that the question of the right of the village headmen themselves standing for these elections was being considered by the Government. Contrary to my friend, the hon. Member for Chingleput's expectations, I sincerely trust the Government will come to the conclusion that these village headmen ought not to be allowed to interfere with the elections or stand for these elections. But whatever the result may be, I certainly see that anomaly, Mr. President, that if the village headmen are given these rights, I for one, cannot see the reason why the village karnam ought not to be given these rights, and therefore, in order to see how the Government deal with this matter, I move for this adjournment in the hope that the Government will agree to this course, because, then, they can take every section of the House with them in either, according to my expectation, saying that all these officials shall be debarred from standing for election to any of those bodies, or, if they are too weak to assert that position, in saying that all the village officers shall be placed on an equal footing. Either of the solutions is likely. Personally I prefer the former. It seems to me the only solution consistent with the development of democracy in our country. But the present stage is anomalous, which ought not to be tolerated, and which gives rise to a very justifiable sense of wrong in the people affected adversely by the present law on the matter. I, therefore, Mr. President, move that the consideration of this matter be adjourned to the next meeting of the Council in the hope that, in the meantime, the Government will make up their minds on this whole subject of village officers and elections, and themselves bring a comprehensive Bill to deal with this question.”

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Srīman BISWANATH DAS Mahasayo :—" I second it."

* The hon. the RAJA OF PANAGAL :--" Sir, I oppose the motion. I do not think any good purpose will be served by adjourning this discussion. In the first place, as the hon. Member has pointed out, the question of depriving the village headman's right to stand for election is under consideration. In any case, a consolidated and comprehensive Bill is going to be introduced in the Council ere long. Now, it does not stand to reason why this discussion should be kept pending. So far as the right of the village headman is concerned, if any hon. Member thinks that he ought to be deprived of the right to stand for election, it will be open for him to introduce an amendment to that effect in this Council. So, I do not think, Sir, that this discussion should be adjourned."

The motion for adjournment was put and lost.

* Mr. G. RAMESWARA RAO :--" Mr. President, Sir, I was rather surprised to hear the statement made by the hon. the Minister that he had been advised to retain the difference between the village karnams and the village reddis. I wish he were more frank and open, and I wish he had told us as to who his advisers were and the reasons why they were impelled to give such an advice. I could have very well understood the hon. Mr. Marjoribanks stating that both the village officials should be reduced to the position of salaried officers with their disabilities and consequently both of them must be ineligible for elections. But what I fail to understand is the inconsistency of the hon. the Minister for Local Self-Government when he advocated no such difference as regards the village panchayats and as regards the district municipalities, or when the Government itself has not made any such difference as regards larger assemblies like the Legislative Council or the Legislative Assembly or the Council of State. Perhaps inconsistency is a virtue with those in authority. I am not able to appreciate what my hon. Friend the Chief Minister told us that there is a great deal of difference between the karnam and the reddy. I fail to understand what it is. I can very well understand if he had referred to ancient days when headmen were getting only Rs. 5 and being called honorary officers and the karnams were getting Rs. 10. Now that the salaries of both these persons have been equalised, I can never understand the statement that there is an amount of difference between the two. Each is paid his salary and each is asked to do his duties. A clerk is paid Rs. 35 and a higher official Rs. 5,000. That does not mean merely because there is a difference in the quantity of work to be turned out or in the outturn in the nature of his work, the one will cease to be a salaried officer and the other not. There is no justification whatever for retaining this difference, because the difference between the headman and the karnam which once existed only in point of emoluments has already ceased to exist. Therefore, I must again repeat the statement that in my humble judgment there is absolutely no difference whatever between the two sets of officers. If one were to go to the village and see the feeling prevailing there, one will find that the village karnam and the village reddy are in the position of father and mother of the villagers. They are in *loco parentis* and that is the impression prevailing in the villages now. If the village karnam and the reddy fight, it is a rare exception which rather proves the rule and the rule stands well corroborated. Therefore, I submit that I cannot understand the so-called difference which the hon. the Minister wants to perpetuate in this respect.

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"Another point, which I am unable to understand is that the hon. Minister is sticking to his guns and telling us that his position is right. I for one would have understood whatever views the Reserved half might have in this matter. I expected that the Transferred half would have been more susceptible to public opinion and influence from outside. I have quoted resolution after resolution passed at the various village officers' conferences, in which they unanimously moved that the distinction must be taken away. In the face of that, I do not know what the sense of responsibility of the hon. the Chief Minister is when he says that his opinion must prevail and that the opinion of his advisers is more important than the opinion of the parties concerned.

"Then, as regards the question of franchise, we are all agreed that the franchise is very narrow and that it must be made larger. It is again in the interests of widening the franchise that I say that the village karnam must be allowed to exercise the franchise. He is a voter and there is no justification whatever for saying that the responsibility of a voter is much different from the responsibility of an actual sitting member. If as a voter he can exercise discretion of his own, I fail to understand how as a sitting member in some council or board he cannot exercise the same discretion and that he would be a prey to the influence of one side or the other. Therefore, any distinction that is sought to be made has absolutely no foundation in reason, and cannot be maintained. When the anomalies are brought forward, the Chief Minister does not move an inch by way of repairing them. Both the officers being part-time officers, I submit that there is absolutely no difference between them, and the privilege accorded to the one must necessarily in reason be extended to the other. I am not at all able to understand the position of the Government, and if I press my Bill, it is only to see whether reason prevails or whether sentiment prevails. With these few words, I beg to press my motion."

The motion was put and declared lost.

8 p.m.

A poll was demanded and the House divided as follows:—

Ayes.

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| 1. Rao Bahadur A. S. Krishna Rao Pantulu. | 8. Mr. B. Venkataratnam. |
| 2. Mr. J. A. Saldanha. | 9. Bai Bahadur T. M. Narasimhacharlu. |
| 3. " S. Muttayya Mudaliyar. | 10. Mr. P. Peddiraju. |
| 4. " T. Adinarayana Chettiyar | 11. " M. Sitayya. |
| 5. " P. Anjarayulu. | 12. " K. Srinivasa Ayyangar. |
| 6. " G. Rameswara Rao. | 13. " V. C. Vellingiri Gounder. |
| 7. " O. V. Venkataramana Ayyangar. | |

Noes.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 10. Mr. V. Pandrang Row. |
| 2. " Mr. N. K. Marjoribanks. | 11. " Abdulla Ghatala Sahib. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 12. " S. Arpudawami Udayar. |
| 4. " Mr. T. E. Moir. | 13. Rao Bahadur M. C. Raja. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 14. Mr. P. K. S. A. Arumuga Nadar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 15. " A. Ramaswami Mudaliyar. |
| 7. " The Raja of Panagal. | 16. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 8. Mr. E. W. Legh. | 17. Mr. N. Devendrudu. |
| 9. " G. T. Boag. | 18. Rao Sahib P. V. Gopalan. |
| | 19. Mr. L. C. Guruswami. |

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Noes—cont.

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| 20. The Zamindar of Kallikota. | 31. Mr. P. T. Rajan. |
| 21. Rao Bahadur K. Krishnaswami Nayudu. | 32. „ P. Sagaram. |
| 22. Mr. J. Kuppaswami. | 33. „ J. D. Samuel. |
| 23. „ R. Madanagopal Nayudu. | 34. Rao Sahib R. Srinivasan. |
| 24. Honorary Lieutenant Madurai. | 35. „ P. V. S. Sundaramurti. |
| 25. Mr. B. Muniswami Nayudu. | 36. Mr. R. Veerian. |
| 26. Rao Bahadur A. M. Murugappa Chettiyar. | 37. „ Muhammad Haji Abdulla Sahib. |
| 27. Mr. K. S. Ponnuswami Pillai. | 38. „ Muhammad Qadir Muhi-ud-din Sahib. |
| 28. „ K. Raghuchandra Ballal. | 39. „ P. Khalif-ul-lah Sahib. |
| 29. „ B. P. Ramachandra Reddi. | 40. „ T. M. Moidoo Sahib. |
| 30. Diwan Bahadur M. Krishnan Nayar. | 41. „ Abdul Wahab Sahib. |

Neutral.

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| 1. Mr. D. Manjayya Heggade. | 5. Mr. S. Satyamurti. |
| 2. Rao Bahadur C. V. S. Narasimha Raju. | 6. „ K. Venkatachala Padayachi. |
| 3. Mr. O. Ramalinga Reddi. | 7. „ T. M. Narayanaswami Pillai. |
| 4. Sriman Biswanath Das Mahasaya. | 8. „ Abdul Hye Sahib. |

The motion was lost, 13 hon. Members voting *for* the motion, 41 *against* and 8 remaining *neutral*.

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920,
AND THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. the PRESIDENT:—"With reference to the motion for leave to introduce a Bill to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920, which was passed yesterday, if the hon Member Mr. Saldanha is ready with the list of names for the Select Committee he may now propose it."

Mr. J. A. SALDANHA:—"Sir, I am ready and I propose that the Bill be referred to a Select Committee, consisting of the following members:—

The hon. the Raja of Panagal.
Mr. P. Siva Rao.
Mr. N. Devendrudu.
Mr. L. C. Guruswami.
Mr. S. Arpudaswami Udayar.
Mr. K. Uppi Sahib.
Rao Sahib P. V. Gopalan.
Mr. K. Raghuchandra Ballal.
Diwan Bahadur M. Krishnan Nayar.
Mr. R. Veerian.
Mr. D. Manjayya Heggade.
Rao Sahib R. Srinivasan.
Mr. P. Anjaneyulu.

The Advocate-General and the Mover (Mr. J. A. Saldanha)."

Mr. R. VEERIAN:—"I second the motion"

* The hon. the PRESIDENT:—"I thought that yesterday the hon. Member Mr. J. A. Saldanha made the House understand that he would refer this Bill to the same Select Committee which had been proposed by the hon. Member, Mr. Veerian. May I know if he has changed his mind subsequently?"

Mr. J. A. SALDANHA:—"I did not give that undertaking myself, but that suggestion was made by some other hon. Member that it might be

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referred to the same Select Committee. On further consideration, I think that the Committee might be quite different because the two Bills are on quite different planes. The Bill that has been introduced by me is for the purpose of including certain . . .

* The hon. the PRESIDENT:—"No justification is necessary and the hon. Member is perfectly competent to move for any Select Committee he pleases."

The motion was put to the House and carried.

* The hon. the PRESIDENT:—"With regard to the other Select Committee also, I have not nominated a Chairman. I now appoint the hon. the Raja of Panagal to be the Chairman of both Select Committees."

VI

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

ELLORE AS HEADQUARTERS OF THE WEST GODAVARI DISTRICT.

* The hon. the PRESIDENT:—"Hon. Members will remember that at the August meeting, the consideration of this resolution^a was postponed to the next meeting and at the next meeting, viz., in October, this motion was not reached. So the debate on this resolution by Mr. M. Gangaraju, recommending that Ellore be made the headquarters of the district, will now be resumed."

Mr. P. ANJANEYULU:—"With due deference to the chair, I request permission to raise a point of order, whether we shall be in order to allow this motion, however much it may be interesting and useful to the Members from Ellore, whether we shall be in order at this stage to allow discussion on this Bill. At the October meeting this resolution was not reached and in August it was said that it should be adjourned to the next meeting of the Council. At the October meeting nothing was done with regard to this resolution and the point of order I now raise is whether we can take it up now."

* The hon. the PRESIDENT:—"The resolution has come into the possession of the Council as it was moved and seconded and, unless the Council decides one way or the other, I am afraid the debate on this resolution will have to be resumed."

"As no one is desirous of speaking, I shall now put the motion to the House."

The motion was then put to the House and a poll was taken with the following result:—

Ayes.

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| 1. Mr. G. Manjappa Heggade. | 13. Honorary Lieutenant Madurai. |
| 2. Rao Bahadur M. C. Raja. | 14. Mr. T. Mallesappa. |
| 3. Mr. P. K. S. A. Arumuga Nadar. | 15. " B. Muniswami Nayudu. |
| 4. " A. Ramaswami Mudaliyar. | 16. Rao Bahadur A. M. Murugappa Chetti- |
| 5. Diwan Bahadur P. C. Ethirajulu Nayudu. | yar. |
| 6. Mr. N. Devendrudu. | 17. Mr. B. Obalesappa. |
| 7. Rao Sahib P. V. Gopalan. | 18. " K. S. Ponnuswami Pillai. |
| 8. Mr. L. C. Guruswami. | 19. " K. Raghuchandra Ballal. |
| 9. The Zamindar of Kallikote. | 20. " B. Ramachandra Reddi. |
| 10. Rao Bahadur K. Krishnaswami Nayudu. | 21. Rao Sahib K. Srinivasan. |
| 11. Mr. J. Kuppuswami. | 22. Mr. R. Veerian. |
| 12. " K. Madanagopal Nayudu. | |

^a That this Council recommends to the Government that Ellore be made the district headquarters of the West Godavari district.

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Noes.

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|---|---|
| 1. Mr. B. Venkataratnam. | 5. Khan Bahadur P. Khalif-ul-Jah Sahib. |
| 2. „ P. Sagaram. | 6. Mr. T. M. Moidu Sahib. |
| 3. Khan Bahadur Haji Abdullah Haji Qasim Sahib. | 7. „ P. Peddiraju. |
| 4. Mr. Muhammad Qadir Muhi-ud-din Sahib. | 8. „ V. C. Vellingiri Gounder. |
| | 9. „ Muhammad Abdul Wahab Sahib. |

Neutral.

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| 1. The hon Sir C. P. Ramaswami Ayyar. | 15. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 2. „ Mr. N. E. Majoribanks. | 16. „ T. A. Ramalinga Chettiyar. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 17. Mr. J. A. Saldanha. |
| 4. „ Mr. T. E. Moir. | 18. Sriman Biswanath Das Mahasayo. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 19. Mr. S. Muttayya Mudaliyar. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 20. „ S. Satyamurti. |
| 7. „ the Raja of Panagal. | 21. „ P. Anjaneyulu. |
| 8. Mr. G. T. Bong. | 22. „ C. V. Venkataramana Ayyangar. |
| 9. „ V. Pandrang Rao. | 23. Diwan Bahadur M. Krishnan Nayar. |
| 10. „ Abdulla Ghatula Sahib | 24. Mr. J. D. Samuel. |
| 11. „ S. Arpudawami Udayar. | 25. Rao Sahib P. V. S. Sundaramurti. |
| 12. Capt. E. G. Windle. | 26. Rai Bahadur T. M. Narasimhaacharu. |
| 13. Rao Bahadur C. V. S. Narasimha Raju. | 27. Mr. T. M. Narayanaswami Pillai. |
| 14. Mr. C. Ramalinga Reddi. | 28. „ M. K. Seturatnam Ayyar. |
| | 29. „ M. Sitayya. |
| | 30. „ R. Srinivasa Ayyangar. |

22 hon. Members voted for the motion and 9 against 30 remaining neutral. The motion was carried

REDUCTION OF TREE-TAX.

‘ That this Council recommends to the Government that the tree-tax be reduced to the old rates and that B.P. No. 47, dated 11th August 1921, be cancelled ’. 3-15 p.m.

* Mr. M. R. SETURATNAM AYYAR :—“ Sir, I beg leave to move this resolution standing in the name of my hon. Friend, Mr P. T. Rajan ; and, in doing so, I may be permitted to state briefly the history of tree-tax in the Madras Presidency.

“The tree-tax is of recent origin. It is a direct consequence of the development of the Government’s right in respect of lands, etc., not owned by others. It is generally a tax for trees standing on porambokes. But what is poramboke is not precisely defined.

“ Porambokes are of different kinds. For instance, we have the channel poramboke, the house-site poramboke, the road poramboke, the tank-bed poramboke, and the unoccupied waste of the village, whether assessed or unassessed. None of them belongs to the Government. All porambokes belong to the community or villagers as a whole and not to any individual to the exclusion of others. The villagers have been exercising their rights of ownership over such lands, and it continues to-day though it is now checked by penal assessment.

“ Of the several kinds of porambokes, channel poramboke is a very important one. The channel and its banks are essentially part of the proprietary right of the mirasidar, as they are absolutely necessary for his cultivation and enjoyment of his irrigable lands. The mirasidar’s right over

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such porambokes may be said to be appurtenant to his right of irrigation, etc. Thus channel porambokes are the communal property of the mirasidars who had been exercising their rights in a variety of ways such as—

“(a) planting coconut and other useful trees so as to preserve the bank from erosion and at the same time productive;

“(b) fixing picottahs on such porambokes where it is necessary to bale channel water;

“(c) grazing their cattle when fodder grows on it;

“(d) short life vegetable growth where convenient;

“(e) throwing the silt cleared from the channel bed.

“A reference to the history of the irrigation works and channels will clearly show that they were the property of the villagers as a whole and the maintenance and repairs thereto were effected by them, and this is generally known as the kudimaramat system. It connotes the ownership of the channel and its banks in the mirasidars.

“On the break-up of the village community under the ryotwari tenure, the maintenance, etc., of these irrigation channels, etc., were neglected and the Government assumed control over them. So far as Trichinopoly district is concerned, the Government levied an irrigation cess for the maintenance of these irrigation channels specifically on the ground that they belonged to the mirasidars who alone were bound to contribute towards it. On the revision of land revenue in 1894, ‘the Government undertook in consideration of the recent increase in the assessment levied on the land under the Cauvery, to make annual grant for the upkeep of the korambus, main channels belonging to that river’. The claim for Government to the kudimaramat was foregone and the cess abolished. Thus the Government has been recognizing the ownership of the mirasidars in these channel porambokes and has never denied it.

“The mirasidars have been making use of the porambokes in these days and in fact the Government encouraged at first such plantation of coconut on such porambokes. Having encouraged the mirasidars to plant trees on porambokes without indicating any idea that its tax may be raised, will not the Government be now estopped from raising it after we had been led into the trap by such active encouragement?

“But as individual rights of exclusive property developed under the ryotwari tenure, communal property happened to be no man's property. Nay, it was also sought to be occupied by individuals and used to the permanent detriment of the communal interest, such as throwing or heaping the earth excavated from adjacent patta lands, on the poramboke bank of the channel, encroaching for extending the area of his patta land, etc. Such injurious and permanently detrimental use of communal (poramboke) lands, had to be checked and that, authoritatively. And this was done by the Government for the benefit of the community to whom such poramboke belongs and not to itself by levying penal assessment, etc.

“But doubts arose as to the right of Government to levy penal assessment for encroachment of such porambokes. It was then that the Land Encroachment Act III of 1905 was passed. By section 2 thereof it was declared that

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all the lands, waters, etc., not belonging to anybody, belonged to the Government subject to the exception in favour of pre-existing rights of others. Such declaration does not supersede the pre-existing right of the villagers on the poramboke lands according to the Full Bench Ruling in 42 Madras, 239.

"Therefore the right of the Government to channel porambokes and other kinds thereof by virtue of section 2 of Act III of 1905 is declared in the absence of any other owner. Such being the case, the community to which such porambokes belong has not been deprived of its rights. Such trees and the site whereon they stand belong to the community from time immemorial and they continue to be so even now.

"As a matter of fact, almost all such trees are planted and grown by mirasidars. By the active encouragement on the part of the Government, the mirasidars have planted coconuts and other fruit-bearing trees on channel porambokes at a considerable cost. It is well known that a coconut tree must be reared at least for seven years before it will bear fruit and during all these seven years, the mirasidar has only to be spending out of his pocket in the hope of getting a more or less permanent income after seven or eight years. The minimum cost for rearing a coconut plant may be taken at not less than Rs. 7 per annum per tree according to my personal experience and after spending out of pocket at this rate for seven years without any return during that period, it begins to bear fruit and after all, the yield from such trees is not even sufficient to cover the interest on the capital expended on it.

"The cost of preserving and watching the fruits borne by such plantation as well as of spontaneous growths on poramboke land is the more important factor, which has to be taken into consideration in assessing the net return from such trees. Protection from theft and mischief by monkeys, etc., are no small items in the cost of production. Taking into consideration the present tax on trees standing on porambokes, whether artificially grown or spontaneous, it is too high to tempt or encourage such plantation hereafter. In the case of some old trees, resignation is more beneficial than retention.

"Therefore, the levy of a tax on such trees on porambokes, whether artificially or spontaneously grown, is illegal and destructive of the wholesome policy of the Government in encouraging such plantation which is profitable both to the Government and the mirasidars alike. Nor can the levy be justified as a tax for the land on which it stands. Such trees belong to the mirasidars in Tanjore district, while in Trichinopoly district it belongs to the Government and the usufruct alone is given to the mirasidar. And much worse is the anomaly in the rate of tree-tax now levied in the two districts though the Government would admit that both districts are similar for land revenue assessment. It was two annas per tree per annum in both districts till 1923, but raised since then to four annas per tree in Tanjore and to eight annas in Trichinopoly. The incidence of such taxation is neither uniform nor just.

"So far as zamindari ryots are concerned, their rights to the trees in such porambokes have been preserved by the Estates Land Act (vide 47 I.O., 594). Is the ryotwari holder in a worse position than the zamindari ryot? No. The communal right which the ryotwari holder has in respect of such poramboke lands is gradually being effaced by the Government though not fully

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"If at all the tax is levied on trees, it is only under the Board's Standing Order 18, paragraph 2. But that Standing Order is found in Chapter I thereof which deals with the assessment and disposal of land. Therefore, to justify the levy of tree-tax under the said Standing Order, first, the land on which such tree stands must be capable of assignment and then it must not have been owned by any but must have been absolutely at the disposal of the Government. But it is not so with communal lands such as channel porambokes which belong to the villagers as a whole

"Lastly, it will not be out of place here to refer to the reasons for the difference in tree-tax system between Tanjore and Trichinopoly given by the Government in reply to my interpellation on the subject in this House on 5th February 1924. In Tanjore the Government said that trees were taxed instead of the land on which they stood, while it is otherwise in Trichinopoly. If this were so, it is all the more unjust that the assessee of the land is denied his full right to the trees grown on the surface absolutely.

"So far as Trichinopoly is concerned, there were no tree-taxes during the Muhammadan rule under the Nawab of the Carnatic. And the British Government who stepped into the Nawab's shoes by a treaty in 1801 cannot claim greater rights than the Nawab himself had. Our Government has not chosen to respect the terms of the treaty with the Nawab as well as the Proclamation issued by them on 31st July 1801, that they would carry out the trust and that they would 'secure a fixed and permanent revenue' though it has respected and given effect to a later clause fixing the allowance reserved thereunder to the Nawab as fixed and permanent. The allowance which was fixed at one-fifth of the revenue in 1801 continues to be the same quantum even now although there has been an increase in the revenue by enhancement of the land revenue in 1894 and again now, and in other ways. Such approbation and reprobation in the same breath are certainly unjust and immoral. But much more illegal it is on the part of the Government to impose new tax like the tree-tax after they have promulgated that they will not increase the burden.

"In conclusion, I may point out that the policy of the Government has hitherto been to encourage plantation in porambokes to the benefit of all. And if the tree-tax is enhanced for the sake of an immediate increase of few rupees of revenue, its ultimate effect will be the total disappearance of tree-tax as a source of revenue in the course of a few years. The existing trees will not be cared for, nor will they be replaced on their growing old. Much less will be the progress in the plantation of wastes. Thus, the economic progress in production will be retarded to the detriment of all. Such action is therefore suicidal to the avowed policy of the Government and to the progress of such productive plantation which is necessary for the economic prosperity.

"I therefore request hon. Members to support me in the name of justice and equity, that there be no tree-tax at all and that, if it is to be levied at all, it be restored to the old rates and that Board's Proceedings No 47, dated 11th August 1921, be cancelled."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I second it."

* The hon. Mr. N. E. MARJORIBANKS :—"Sir, in the first place, I should like to make it clear what trees exactly are covered by the order. The order applies to certain limited species of fruit trees which grow scattered on

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Government waste lands and porambokes It does not refer to any topes or plantations—these are regulated by the terms of the grant or the licence in each case And as regards scattered trees, the order does not apply to any trees which are on private land or on lands which are claimed as private property. Those trees do not belong to Government. The trees covered by the order in question are held under pattas which provide for their cancellation and the giving up of the trees to Government at any time without compensation This being so, I really cannot see why there should be any objection to their being charged some rate, something less absurdly inadequate at the present day than the rates which were fixed so long ago as 1855. It is a matter of common knowledge that the price of everything within the last few years has increased and it was thought that a rate of 2 annas for a tree which probably yielded a good many rupees a year was absurdly low and that it should justifiably be raised. There seems to be some doubt as to the rates imposed. I will read them What was prescribed was a maximum and minimum rate in respect of each tree and Collectors were given the discretion to fix the actual rate at or between the two limits.

“In the case of the jack, coconut and mango, 8 annas to 12 annas, in the case of the iluppai, 4 annas to 5 annas, and in the case of palmyra trees 1 anna to 2 annas. 3-30 P.M.

“It is not correct to say that the property in these trees belongs to the ryots. The property is that of the Government and if any ryot feels not inclined to pay the assessment on the trees in his enjoyment, there will be many others willing to take the property and pay the assessment.

“In this connexion, I wish to point out that the amount paid on these scattered trees, where they are situated on lands vesting in local boards, goes to the local boards and not to the Government. I do not know whether the House is prepared to cut that revenue.

“A great part of the hon. Mover's speech was directed to suggest that the lands on which these trees grow are not Government property but private property That suggestion is not at all valid. The order only refers to tax payable on scattered trees on Government lands which are not covered by the terms of any special engagement.”

* Rao Bahadur T. A. RAMALINGA CHELTIYAR :—“Sir, from what the hon. the Revenue Member has stated, I do not think he has really understood the object of this resolution, i.e., the case put forward on behalf of the ryots. What has been stated is not that the lands belong to private individuals and that therefore the Government are not entitled to levy tree-tax. The argument has been that these trees are in most cases planted and tended and brought to the present condition by the ryots themselves on the basis of the pattas that have been given them. The claim is that the ryots, on the expectation that they will be allowed to enjoy the fruits of their labour, have planted and reared these trees. It is on account of that it is claimed that it is not fair on the part of the Government to intervene at a stage when the ryots cannot go back. They cannot be expected to give up the benefit of the trees planted by them at great cost and allow other people to take the fruits of those trees. It is not a case of the Government asking for their property a fair return. It is a sort of joint ownership by the Government and the ryots. The land in most cases no doubt belongs to the

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Government. (The hon. the Revenue Member: 'In all cases'). The hon. the Revenue Member says 'in all cases'. But in most cases the trees thereon are planted and brought to the present yielding stage by the ryots themselves. So it is only fair that the expectation with which the ryots did all these things should be taken note of. There are two classes of cases in which the hon. the Revenue Member can probably ask for more tax. One is in respect of new plantations. There, the Government can say that they are going to charge more for the trees. If on that understanding trees are grown by the ryots, the Government are certainly entitled to charge more. There is difference between those ryots and the ryots who planted the trees without any such understanding. Secondly, there may be trees growing by themselves unlike mango or jack or coconut trees. In cases where the trees are planted, tended and watered by the ryots, it is not fair on the part of the Government to go back upon the old practice and charge increased rates. It is not a question of the Government charging for their property. It is a question of joint ownership as I said. In that view of things, I do think that the hon. the Revenue Member will consider whether it is fair for him to take the attitude he has taken.

"Now, there is the question of the rate of increase made. He himself said that the old rates were from 3 pies to 1 anna and that the present rates were about 8 annas to 12 annas."

* The hon. Mr. N. E. MARJORIBANKS:—"Three pies to 1 anna in the case of palmyra trees. It is now 2 annas."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"In the other case it was 2 annas before."

* The hon. Mr. N. E. MARJORIBANKS:—"Two annas to 4 annas and now 4 annas to 8 annas."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"So, it is something like 400 to 500 per cent increase. Certainly the Government will not be justified even on the score that they were getting some value before and that that value according to the high level of prices now current had only its normal rise. I saw some time back a table showing the comparative rise in prices from 1911 to 1924. The rise is something like 165 per cent."

* The hon. Mr. N. E. MARJORIBANKS:—"That is the increase charged."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"Even then it can only be one and two-third times what was before. If the Government charged twice what they charged before, there would be some meaning. But now they are taking away the property actually vested in people who have spent lot of money in rearing up the trees by claiming to raise the rates to 400 or 500 per cent at the present moment. That seems to be very unjust. As I said, there are two ways by which the Government are in justice bound to make some reparation to the ryots. One is that in all cases where the ryot has planted trees and spent money upon them the Government should not interfere at all and the other is that they should reduce the rates to something like 200 per cent of what they were before in other cases. I would appeal to the hon. the Revenue Member to see the justice of the thing and reconsider his position."

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* The hon. the PRESIDENT:—“(Seeing Mr. Krishnan Nayar rising to speak from the front Opposition Bench) Before I allow the hon. Member to speak, unless he has joined the opposition (laughter), may I ask him to speak from the bench to which he belongs?”

Diwan Bahadur M. KRISHNAN NAYAR:—“I wish to have information, if possible, from the hon. the Revenue Member on two points. My first point is this: whether the particular Board's Standing Order refers to trees which are of spontaneous growth and also to trees planted and reared by the ryots. Different considerations might apply, according to my mind, to these different classes of trees. My next point is this: if possible, the hon. the Revenue Member may give us some information as to the financial effect of this resolution being carried. What will be the total amount derived from these trees and the reduction that will be effected if this resolution is carried?”

* The hon. Mr. N. E. MAJORIBANKS:—“As regards the former, there is a Board's Standing Order which provides for people planting trees under certain conditions. In the case of the scattered trees, it is not possible to say whether they were planted by any particular person or whether they were spontaneous growth. I suppose it will vary. The Board's Standing Order simply says that scattered trees standing on poramboke and wastes may be given on patta if applied for. If a man wishes to plant a tope there, is another Standing Order and permission can be given under certain conditions.

“As regards the financial effect, it will be time to consider it when the resolution is passed by the House. I want to say that in the case of Tanjore the Government is considering the matter, because the circumstances of Tanjore are not the same as other districts and we are making further enquiries as to the exact situation there. I would therefore omit Tanjore from the figures because we have not examined that matter further. The result then would be that the old revenue derived from tree tax is Rs. 1,70,000 roughly and it would now be Rs. 3,40,000, omitting the figures for Tanjore which is under enquiry. The rate is double: It is not four times. In most districts it is only the minimum that is charged. It is only in one or two districts the maximum is charged and that too in regard to one or two trees. I see that in Vizagapatam the maximum is charged in regard to tamarind and mangoes. In Guntūr the maximum is charged in the case of tamarind, jack, ilupai and coconut trees”

3-45
p.m.

* Mr. C. V. VENKATARAMANA AYYANGAR:—“I want just to say one or two words in support of this motion. I shall give examples of the classes of cases which have not been referred to by any other speaker. I had some lands on the borders of rivers and at the time of floods these lands were encroached and the trees that were grown on them were treated at the time of resettlement as poramboke trees. These lands even now form part of poramboke lands, but I have to pay 8 annas for each tree as tree-tax. These trees were on my lands and they belonged to me till the resurvey of 1911 and they were not collecting rent or tax for these trees. Simply because a portion of my land had been encroached upon by floods and because the Survey department wanted to put stones in a regular line, my land was also included in the poramboke, and for all the mango and coconut trees which belonged to me I am now asked to pay As 8 per tree. It has been said by

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the hon the Revenue Member that if I do not want these lands I may give them up. But the difficulty is that my neighbour will be asked to take up these trees and there will be some sort of trouble given to me by him."

* The hon. Mr. N. E. MARJORIBANKS :—" I did not suggest that anybody should give up his land."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" It was suggested that we should give up our trees."

' Sir, we are now dealing with trees which are on poramboke lands. Supposing we give up our trees, somebody will be asked to take possession of them. He will not only enjoy our trees but try to pilfer something from our trees which are situated in the neighbourhood of his trees

" One other thing that I want to bring to the notice of the House is this, namely, that the hon the Revenue Member is not exactly correct when he says that we are paying money for the fruits that we are enjoying from these trees. In the first place, the fruits that we are enjoying are derived from those trees which are situated on lands close to ours. The second thing is that even in cases where we get fruits it is only after a very long time that we derive fruits from them, as, for instance, in the case of tamarind trees. Therefore, to avoid the mischief of people who are our neighbours and who would take up these trees, we have to pay tree tax for trees which were planted on our lands and which were once patta lands. It has been suggested by one of my hon. Friends that we might get these poramboke lands on dharkbast. Sir, in cases where the river has encroached on our lands, they have been treated as river porambokes, and the Revenue department never gives dharkbast in those cases, and we have to pay As 8 for a tree, while we were paying formerly only As. 2. The hon. the Revenue Member wanted to draw one conclusion, viz., that the trees belong to the Government and if we want to enjoy the fruits of those trees we have to pay for them. On the other hand, he forgets that if a neighbour is asked to take possession of those trees he will not only pilfer the fruits of our trees, but will cut away some of these poramboke trees themselves. Therefore, I say that the Government must pay us because we are safeguarding their interests by having possession of their trees. It seems to me that the argument that because we are enjoying the fruits of these trees and therefore we must pay for them is quite unsound. We know that in some places persons were asked to grow trees on the borders of rivers with a view to prevent the banks being damaged by floods, and they did so with the expectation that they would get the value of those trees or that they would be asked to make some small payment by way of tree-tax. Now, these people are confronted with a threat that they will have to pay a tree-tax of As. 8 or that those trees would be given to somebody else. Of course, now, they have fixed the rate at As 8. They will go step by step, and there is nothing to prevent the Government from raising it to As. 12 by issuing another order to-morrow. Therefore, both in the interests of people who have taken trouble to grow these trees and also for the purpose of safeguarding the interests of Government, it is very desirable that they should not fix the tax at such a high rate. The Government should not expect a large income from tree-tax. After all, Rs. 1,76,000 is not a very large income from 24 districts, including Tanjore. That shows that a

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large number of people have given up their trees because we see that in the case of coconut and mango trees they have to pay As. 8 per tree. The minimum was only As 2 previously. My hon. Friend, Mr. Ramalinga Chettiyar, was quite right in saying that the tax has been raised by at least 400 per cent. Mathematically the result would be that instead of the old collection of a tree-tax of Rs. 1 lakh and odd you should have a collection of three lakhs of rupees, while the present tree-tax amounts to double of what it was before. By reason of this tree-tax a large number of trees have been given up by people, and we know that in spite of all the regulations that Government have and in spite of the precaution that the Government take for guarding them, most of them are being cut away by private individuals. Therefore both in the interests of the Government as well as of the people the tree-tax should be reduced.

"One other argument that was advanced was that a portion of the income from tree-tax went to the funds of the local boards and municipalities, and that they would not be prepared to give it up. Now, of the sum of Rs. 3,40,000 derived from tree-tax, only a very small portion goes to the local bodies. Even granting a large portion goes to them, then too the Government have no right to rob Peter and pay Paul, and say that we are very charitable towards local boards. Therefore, that argument should not at all weigh with the House.

"Sir, the large number of resolutions that have been tabled on this subject, and the very fact that the Chief Whip of the Justice Party has given notice of this motion, must clearly show that both sides of this House strongly feel the injustice and inequity of this high rate of tree-tax. Therefore, Sir, I sincerely hope that not only this House would pass this resolution but the hon. the Revenue Member would not go so far as not to accept this resolution. With reference to a suggestion from my hon. Friend Mr. Krishnan Nayar as to what we could do if the Government did not give effect to this resolution although we might pass it—I thought that the hon. the Revenue Member gave us a threat as it were—and therefore we should not incur the displeasure of the Government by voting for this motion, I may say that we need not be scared away by such threats. The hon. the Revenue Member knows the difficulties of my district and I do sincerely trust that he will gladly accept this resolution, and, what is more, will give effect to it at once."

* Mr. T. M. NARAYANASWAMI PILLAI:—"Sir, on behalf of the mirasidars and ryots of the Trichinopoly district, I have very great pleasure in seconding this resolution. The hon. the Revenue Member has not given adequate reasons as to why this resolution for the cancellation of the tree-tax should not be accepted. Previous speakers have urged upon the attention of the Government the iniquitous nature of the enhancement made in 1921. In the case of coconut trees it has been raised from annas 2 to 8. Now I ask what was the justification in raising the tax in the year 1921 from annas 2 to 8. Having regard to the fact that the trees in respect of which this tax is levied were planted and reared by individual ryots having regard to the fact that they have to pay even for the period during which the trees are not yielding both in the beginning and at the end, and having regard to the fact that they have spent a great deal of time and energy for growing them, it was pointed out that the tax was iniquitous. The hon. the Revenue

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Member pointed out that the price of products from trees has increased, and that therefore the Government were justified in raising the tax. But the objection is that the price has not risen by 500 per cent; while the increase in tax is 500 per cent.

4 p.m. " Another reason I would urge for the abolition of this tax is that most of the trees have been grown on waste or poramboke lands and they are held by small mirasidars or ryots. I would therefore submit that this tax ought not to be levied having reference to the purchasing power of the yield of trees even if that is to be taken into account. As a matter of fact, the fruits of the coconut or the mango trees are used by the poor ryots for their home consumption. When we are taxing an article of necessity, the principle of taxing it according to its purchasing power does not hold good. I have come across many poor ryots and they always put me the question when this tax will be removed, as it affects very much their article of necessity.

" Another argument that has been advanced in favour of this tax is that if the ryots find the tax too heavy, they might as well abandon the trees. That argument has been in a way met by my hon. Friend, Mr. Venkataramana Ayyangar. This is a tax which is imposed without any reference to the feelings of the poor ryots. If this course is adopted, it would only lead to disorder and abandonment of the trees. After all, Government must not consider this fact alone that this tax would bring in some money to them but they must also see that some incentive is given to the ryots to raise further trees. The policy of the Government ought to be directed in such a way as not to put any restriction on the further growth of the trees. They form a very important agricultural asset to the country. If this tax of 8 annas would lead ultimately to an abandonment of the trees by the ryots and would prevent further plantation and rearing of trees, it would be a sufficient condemnation of the policy of the Government and a strong reason for the abandonment of the policy.

" Now, let me compare this tax with the land revenue. The highest assessment is Rs. 20 per acre. Of course, if it were waste land, nobody will pay anything to the Government. But suppose 150 coconut trees are planted on an acre of waste land and according to this rate of half a rupee per tree the tax on that land will be Rs 75 per acre. This is the tax for having planted the trees and enriched the country with so many coconuts. Would Government be justified in levying Rs. 75 even on the wet land to which they have to give irrigation and other facilities? This comparison shows that this tax is an iniquitous one.

" I have already said that the tax is keenly felt by the poor ryots. This is not a tax that is paid by the rich man. It is paid by the poor mirasidars and many of them belong to the community of my hon. Friend, Mr. Veerian. They are planted in the *nathams* which are usually called the porambokes. If on account of their inability to pay these taxes these trees are abandoned and the pattas are cancelled and given to others, then there would be a great trouble. With these words, I support the resolution that the Board's Proceedings be immediately cancelled "

* Mr. S. MUTTAYYA MUDALIYAR :—" Sir, I am thankful to the hon. the Revenue Member for saying that Tanjore is receiving special consideration. I expected that this matter would be engaging the attention of Government

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and tabled a resolution that the Board's Proceedings be cancelled at least so far as the Tanjore district was concerned. The hon. the Revenue Member did not refer to any of the points that had to be considered in connexion with the Tanjore district. I gather from what he said that he is under the impression that the tree-tax is levied only on scattered trees. I may give him this information that the tax is levied also on large plantations. I shall submit the reason why the tax should not at all be enhanced in the Tanjore district. It would appear that in the beginning of the last century there was a big cyclone in the Tanjore district and all the trees were swept away. Government wanted to encourage the plantation of fruit trees. They wanted the landowners to plant trees on assessed lands; but they would not do so since plantation of trees is not a paying concern in the first few years before they grow up and begin to yield fruits. Government consented to waive their right to assessment till the trees grew up and began to yield fruits, and promised to levy a nominal tax afterwards. Accordingly many plantations were raised and Government taxed at the rate of 1 anna and 3 pies per coconut tree and 2 annas per mango tree and so on. In the year 1858 when this matter was considered, it was observed that the trees in the Tanjore district were not at all the property of the Government, that they were planted entirely at the cost of the landowners, that they had an absolute right to them and that no tax ought to be levied on them, except the usual land tax. The Board of Revenue said that on account of financial considerations they would not abolish the tax since that would amount to a loss of Rs. 15,000 in one district alone. I would here draw the attention of the hon. the Revenue Member to Board's Proceedings No. 305, dated 22nd January 1858—

Paragraph 29.—“In Tanjore when assessed lands are planted with trees, the practice is to suspend the assessment and substitute a tree-tax which is collected on all fruit-bearing trees at fixed rates for each kind. In reply to the Board's enquiry whether it would not be advisable to abolish this system and levy the land tax always, the Collector replies that the change would be disadvantageous to the Government and the people. To the former it would cause an immediate loss of revenue to the amount of Rs. 14,478-4-1 while as regards the latter it would remove the encouragement which is now given to keep up and extend valuable plantations by no charge being made for the land while the trees are young and fruitless. Although therefore the toll system is cumbrous and has some disadvantages as remarked by Government, it has procured for this province the great desideratum of a plentiful supply of valuable fruit trees and has increased the revenue and the prosperity of the landholders.”

“The hon. the Revenue Member in the course of his remarks said that these trees were planted on the porambokes which were the property of the Government. It is not accurate so far as the Tanjore district is concerned, because the trees have been planted on assessed lands by the landowners themselves. To raise this tax from 1 anna 3 pies to 4 annas in the case of coconut trees—nearly 300 per cent—is a course which ought not to be allowed. The hon. the Revenue Member said that the enhancement has been only to twice the original assessment. In the Trichinopoly district coconut tree-tax has been raised from 2 annas to 8 annas, i.e., 400 per cent. In the Tanjore district again the tax on palmyra has been raised from $7\frac{1}{2}$ pies to 2 annas, i.e., to 300 per cent. If there is any rise at all in the price of the products, it is not at all correspondingly great. I have great pleasure in supporting the motion.”

* Mr. M. R. SETURATNAM AYYAR :—“Sir, I only wish to bring to the notice of the Government that the mirasidars have been taxed and assessed more and more at each and every reform of Government. The hon. the Revenue Member said that some amount must be given to the local boards. The

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local boards levy so many cesses and this may be an addition to them. But why are the Government so solicitous about the local boards? After all, this will add about Rs. 12 lakhs to their resources. As regards the new trees that are to be planted, the Government may levy any tax which the pattadars who take the land must agree to give. But as regards the old trees, I submit there should be no enhancement of the tax. As regards the other matters, I have nothing to add to what the other hon. Members have so eloquently spoken already."

* The hon. Mr. N. E. MARJORIBANKS:—"Sir, I have only to say that the case of Tanjore is under examination and I am not going into that now. As regards the other arguments from the hon. Member, Mr. Venkataramana Ayyangar, I have to say that he did not really touch the general question. He said that his own private land had been growing some trees on which the tax had been increased."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"That was one of the three or four points."

* The hon. Mr. N. E. MARJORIBANKS:—"The hon. Member did not raise any other points."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I raised two or three points."

* The hon. Mr. N. E. MARJORIBANKS:—"Anyhow, that was the important point the hon. Member dealt with. It has nothing to do with the general question and I am quite sure that if the hon. Member's land were included in poramboke he would be the last person to keep quiet so long as there is a court in the land to go to. But that has nothing to do with the general question. I only wish to point out that there is no reason to suppose that the rate is so high that the ryots will be unable to pay the tax and will abandon the trees. There is not the slightest ground for any such supposition. It is easy to talk of 300 per cent and 400 per cent; they sound big. But it is only a case of a few annas. (Laughter.) A few annas to each person means lakhs to the State. I really do not see that any good reason has so far been shown why we should accept this resolution. As I have already said, the question is under examination in the case of Tanjore."

4-15 P.M. The question was put and declared carried. The hon. Mr. Marjoribanks demanded a poll and the House divided thus—

Ayes.

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| 1. Mr. D. Manjappa Heggade | 17. Mr. C. Maruthavanam Pillai. |
| 2. " P. N. Marthandam Pillai. | 18. " G. Rameswara Rao. |
| 3. " K. Prabhakaran Tampan. | 19. " C. V. Venkataramana Ayyangar. |
| 4. " K. Raghueendra Ballal. | 20. Diwan Bahadur M. Krishnan Nayar. |
| 5. Diwan Bahadur P. Kesava Pillai. | 21. Mr. R. Veerian. |
| 6. Rao Bahadur C. V. S. Narasimha Raju. | 22. Kai Bahadur T. M. Narasimhaachari. |
| 7. Mr. C. Kamalinga Reddi | 23. Mr. T. M. Narayanaswami Pillai. |
| 8. Rao Bahadur A. S. Krishna Rao Pantulu. | 24. " Muhammad Qadir Muhi-ud-din Sahib. |
| 9. " T. A. Kamalinga Chettyar. | 25. Khan Bahadur Muhammad P. Khalif-ullah Sahib. |
| 10. Mr. P. Siva Rao. | 26. Mr. P. Peddiraju. |
| 11. " A. Ranganaatha Mudaliyar. | 27. " M. R. Seturatnam Ayyar. |
| 12. " K. Koti Reddi. | 28. " M. Sitayya. |
| 13. " S. Muttayya Mudaliyar. | 29. " R. Frimivasa Ayyangar. |
| 14. " P. C. Venkatapathiraju. | 30. " V. C. Vellingiri Gounder. |
| 15. " S. Satyamurti. | |
| 16. " T. Adinarayana Chettyar. | |

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Noes.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 11 Mr. S. Arpudasaami Udayar. |
| 2. „ Mr. N. E. Marjoribanks. | 12. Capt. E. G. Windle. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 13. Rao Bahadur C. Natesa Mudaliyar. |
| 4. „ Mr. T. E. Moir. | 14. „ M. C. Raja. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai | 15. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 16. Mr. N. Devendradu. |
| 7. „ the Raja of Panagal. | 17. Rao Sahib P. V. Gopalan. |
| 8. Mr. G. T. Bong. | 18. The Zamindar of Kallikota. |
| 9. „ V. Pandrang Row. | 19. Rao Bahadur K. Krishnaswami Nayudu. |
| 10. „ Muhammad Abdulla Ghatala Sahib. | 20. Mr. R. Madanagopal Nayudu. |
| | 21. Honorary Lieutenant Madurai. |
| | 22. Rao Sahib P. V. S. Sundaramurthi. |

Neutral

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| 1. Mr. K. S. Ponnuswami Pillai. | | 3. Rao Sahib R. Srinivasan. |
| 2. „ J. D. Samuel | | |

* Mr. S. SATYAMURTI:—“ On a point of order, Sir. May I suggest that Mr. R. Srinivasan may be counted among the ‘Ayes’ for he rose when the ‘Ayes’ were counted and did not when the neutral stood up? ”

The hon. the President once again called upon the neutral to rise in their places. Mr. J. D. Samuel and Mr R. Srinivasan stood up in the fourth block.

* Mr. S. MUTTAIYA MUDALIYAR :—“ I think that Mr. R. Srinivasan said that he was for the motion.”

* The hon. the PRESIDENT :—“ The time for being ‘ for ’ the motion has long passed.” (Laughter.)

The motion was carried.

LOCATION OF TODDY, ETC., SHOPS OUTSIDE TOLL-GATES IN BIG TOWNS.

* Mr. T. M. NARAYANASWAMI PILLAI :—“ Mr. President, Sir, the resolution that stands in my name reads thus—

‘ That this Council recommends to the Government that they be pleased to locate all toddy, arrack, brandy, opium, ganja and other shops of the kind, in big towns like Trichinopoly, outside the municipal toll-gate.’

“ Sir, it is agreed on all hands that we should have total prohibition of all alcoholic liquors as our goal. It is also agreed that the volume of consumption in this country has of recent years reached an abnormal or an appalling extent. The only difference arises as to the methods to be adopted. Certain people want to have immediate and total prohibition while others want to adopt a gradual stage by which they will usher in that much-desired goal of absolute prohibition. Sir, my resolution is but an humble step in that direction, namely, reducing the consumption of liquor gradually, so that our ultimate goal may be attained. It is well known that consumption of liquor is much greater in towns than in villages. And therefore, if we begin with towns and adopt some means by which we could prevent and minimize consumption in towns, we may say we are safely on the road. Sir, I have cautiously limited my observations to a town like Trichinopoly from where I come, because I have no information with respect to other towns except

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perhaps in regard to Madras where, on my passing along the roads, I get some opportunities of knowing the conditions. But in Trichinopoly, taking the main portion of the town, I may inform the House that there are about six toddy shops, six arrack shops, two beer shops leaving out of account the opium and the ganja shops. These shops are situated near the roads, near the great centres where people are expected to congregate for labour. I need not detail the temptations that these shops are sure to afford to people addicted to that vice. If these shops are removed to a longer distance, to places outside the toll-gates, I believe the temptation will be less. I have had some opportunities of studying the conditions; I purposely questioned some renters and some vendors as to the way in which their trade was being carried on. I was told that about a third portion of their sales was at evenings, the income from the sales during the rest of the day, to the extent of one-third, was by people who frequented the shops at intervals from half to one hour throughout the day from 9 a.m. to 6 p.m. That is to say, it is from people who go to the shop at frequent intervals from other places to which their avocation calls them. In Trichinopoly, I know particularly one shop which is situated near the market and the poor man who earns his day's wages, when he could snatch a few minutes, gets to the neighbouring shop and empties his pockets and returns to work. It is also well known that once people get under the influence of drink they become weaker and weaker. And so it appears to me that, if we are really anxious to rescue the people from this vice, steps should be taken to remove the shop to a distance to which their ordinary avocations will not permit them to go and thereby remove the temptation to drink. And such a place appears to me to be outside the toll-gates. The effect of such a measure will be, if what the renters told me be true, the reduction of consumption at least to the extent contributed by people resorting at frequent intervals. And even such a reduction, viz., to the extent of a third is an immense good to the community as a whole. No one can seek to minimize the importance of rescuing this one-third of the total population of drinkers judged from the sum-total of the progress of the country. It is therefore a great step forward in effecting the much-desired goal of reducing the consumption of liquor which the hon. Minister on more than one occasion has agreed to. The hon. Minister has already told us that total prohibition is impracticable all at once and has agreed to take effective steps to reduce the consumption gradually. And I suggest this as one such effective means. Not only will it reduce the consumption but it will also add to the betterment of the people in many ways. It is well known that in towns you may select the most ideal place but still it will have its own disadvantages; for it is bound to be near a street, near some thoroughfare or any place where people are accustomed to congregate so that the drinker is apt to drink more and the man who has not taken to drink will be tempted to it. Thus new converts will be added to the drinking fold. This must be prevented, for it is necessary that not only people who are already drinkers should be won over but also those who have not taken to it must be kept away from it. My suggestion of removing the shops to a distance will achieve both the ends. I venture to make this statement which is fully borne out by my conversations with the renters. It was a case of a shop being shifted from one place to another. Here I may say that the Government have of late years in furtherance of their policy of reducing consumption minimized the number of shops, but

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that has not yet achieved the desired result. In Trichinopoly where we had more than fifteen or sixteen shops, we have now only five or six, but yet, the consumption has not been reduced as was anticipated. But it has taught us a lesson as to how the location of the shops affects the consumption. In the case of shifting of the shop which I was referring to, I am told there have been instances where people have become new victims to the habit of drinking because of the nearness of the shop. With many people, drinking begins as a pastime and grows into a habit and a habit from which they would not like to be rescued. Therefore, if we concede that drinking is a vice, if we concede that total prohibition is our goal that we should take gradual steps in that direction, if we also concede that in towns there is a greater volume of consumption than in other parts, if we also agree that in towns there cannot be a place, which can be, according to existing conditions, absolutely free from temptations, it is highly necessary that shops should be removed to places outside the toll-gates. That will be the only way to secure reduction of consumption and to prevent people who are not already addicted to drink from taking to it. Sir, I have also got the experience of people in other towns. Some three years ago, I remember to have read in the papers that Salem adopted this policy. I think it was when Mr. Legh was the Collector of that town. I conversed with people who came from Salem and they stated that it was followed immediately by a reduction in consumption, so that this suggestion was adopted in the case of a big town like Salem and it had borne good results. Therefore, this wholesome suggestion adopted by a premier municipality and attended with good results, I say, must be followed up in other big towns, at least in my town, namely, Trichinopoly, which I am sorry to find is suffering from this vice to a great extent. I hope that this Council will pass this resolution unanimously." (Cheers.)

4-30
p.m.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I second this resolution, and I believe that it is a very mild measure of reform suggested, and I trust the hon. the Minister will not have any objection to accept this resolution. The question of the location of shops has been engaging the attention of the Government and also of the local authorities for several years past. Proposals for reduction of shops have been made from time to time, and we have had complaints that the proposals of the non-officials have not met with that response from Collectors of districts as every one wished they should. Our attention has been drawn to the fact that in Salem they tried this experiment with success. It would have been unnecessary to come forward with proposals of this description, if the Collectors of districts were all so much in favour of temperance reform as Mr. Legh who is a Member of this Council. If persons in charge of the administration have themselves been advocates of temperance reform or at least encouraged it to the same extent, it would have not been necessary for us to come forward with proposals of this description. We are not now discussing the important question of policy which probably will be taken up some time later, the report of the committee having been published. But is it or is it not reasonable that the present proposal, which only seeks to remove these shops outside the limits of the municipalities, should be taken up in the first instance? Though the resolution specifically suggests Trichinopoly, it is a question affecting all municipal areas. I do not know if there is

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any municipal town where this complaint is not keenly felt. At least so far as the few towns with which I have come in contact are concerned, the same complaint has been felt and if there are any which are more fortunate, probably they may not require protection to this extent. We would only wait and see what reasonable objections the hon. the Minister for Excise would urge against this resolution. Is it going to be suggested that those who drink in public and who resort to these shops would find it inconvenient to go outside the municipal limits, and that for catering to their convenience we should have these shops within municipal limits? That can be the only possible objection to this proposal. If the policy of the Government is, as it has been proclaimed from time to time, to reduce the consumption of liquor, may I ask why this proposal should not, notwithstanding the fact that it would cause inconvenience to a few persons here and there, be tried in the first instance? I believe there will be no objection to this proposal, from whatever point of view it may be considered and whatever may be the policy of the Government as regards total prohibition and other important matters. With these words, I second this resolution."

* Mr. R. SRINIVASA AYYANGAR :—"Sir, with your permission and the permission of the House, I should like to move an amendment, in the absence of Mr. Pantulu Ayyar who has given notice of it. (The permission was granted.) I thank you, Sir, and the House for according me the permission. I move that *for the words 'big towns like Trichinopoly' substitute 'all municipal towns'*. I do not think many words are necessary to commend this amendment to the acceptance of the Council. The issues are the same, and the hon. Mover selected Trichinopoly because he happens to come from Trichinopoly of which he possesses first-hand knowledge, and in the first instance, he was prompted by a desire to secure this privilege to Trichinopoly. But, the conditions elsewhere are the same and all municipal towns form, if I may say so, urban areas. The standard of life is almost the same, and there is no reason to limit this only to Trichinopoly and withhold the same from all other municipal towns. For the reasons that the hon. Mover urged in support of his resolution, I would like to move this amendment, for it will have the indubitable effect of reducing consumption and improving the morale of the people in general. Without any further remarks, I would like to move this amendment."

Mr. S. Muttayya Mudaliyar seconded the motion.

* Mr. T. M. NARAYANASWAMI PILLAI :—"I accept the amendment, Sir."

* The hon. Rao Bahadur Sir A. P. PATRO :—"Sir, the resolution is moved with the object of achieving reduction of consumption in the town of Trichinopoly. With that object every one agrees, but the means suggested is not at all conducive to the attainment of that object. The hon. Mover said that the reduction of shops by itself was of no effect. There are large numbers of hon. Members here who spoke and spoke repeatedly that there should be a reduction in the number of shops so that there would be a reduction in consumption. The hon. Mover himself has accepted that and said that the reduction of shops is not at all the means to attain the object in view. He has suggested that the location of shops outside the municipal

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limits would achieve the object. His conclusions are based on information received from the vendors and shopkeepers. The second thing he relies on is the experiment made in Salem. With regard to these two, I submit that in the matter of the shopkeepers and licensees, it is their object to remove shops outside the municipal limits. They want somehow or other to escape control and surveillance of both Excise officers and Police officers. In a town the Police are there to supervise them and the licensing officers are there for preventing malpractices. Now, when we remove these shops outside the municipal areas and locate them at some place which neither the Police nor the Excise officers can easily reach (A voice:—‘Why not?’), they can very easily manufacture and carry on illicit traffic. Secondly, when the shops are located outside the limits, the vendors themselves have an opportunity of inviting more of these drinkers to their shops, and they have also got ample opportunities of violating excise rules; it is therefore to their interests to suggest to the hon. Member the reason for transfer of shops from the municipal areas to outside the limits because such a change would help them to earn more money by illicit traffic and practices which are in violation of the Excise Rules.”

* Mr. S. SATYAMURTI:—“On a point of information, Sir, may I ask the hon. the Minister therefore, whether in all rural areas or non-municipal areas all these illicit practices exist and that such practices are not controlled and checked by the Excise officers?”

* The hon. Rao Bahadur Sir A. P. PATRO:—“That is not relevant, Sir. The point I was urging was that all these shopkeepers want that their shops should be taken away outside the municipal limits as that would offer better facilities for carrying on illicit trade and manufacture. In fact it is their suggestion and their desire that all shops in municipal areas should be removed because they can make more money by illicit trade. It is to their interest to suggest such a move and it is not in the interest of the drinkers or in the interest of temperance or with a view to reduce consumption.

“The second reason on which the hon. Mover based his case is that in the case of Salem there was an experiment and there was a reduction of consumption. I do not know, Sir, from what source the hon. Member has obtained the information; but I would request him to refer to the report of the Abkari department published in 1922. The experiment was carried on at the request of the Salem public from 1918 to 1921. For three continuous years the shops in the municipal area were located outside and the result was greater consumption of liquor.”

Mr. C. RAMALINGA REDDI:—“What are the figures?”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—“There was a somewhat greater consumption outside this area.”

* The hon. Rao Bahadur Sir A. P. PATRO:—“There was no reduction of consumption on the whole. If in the town shops there was reduction of consumption, there was increase generally in rural shops. The rural shops had a congestion and they had larger sales than those of the town shops. Is it then desirable, while your remedy reduces consumption in the town shops, that the consumption in the rural shops should be increased? From the report we also find that the result of the experiment was that there was a greater increase of excise crime and additional excise preventive staff had to

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be appointed. In spite of that, excise crime increased and consumption also increased in the rural shops. The Excise Advisory Committee itself in 1921 resolved that there should be no such experiment and permitted shops to be opened in the municipal area. That is the result of the experiment carried on in Salem from 1918 to 1921. In the face of this experience it seems to me that there is no case for removing all shops outside the municipal areas if the object of such removal is that we should reduce consumption. If by experience and knowledge of affairs we are to be guided at all, the removal of shops from the municipal area does not at all help reduction of consumption. So the means suggested by the hon. Mover for reduction of consumption is not at all borne out by experience or by facts. As I said, it is to their advantage and the benefit of these venders and licence-holders to escape control and surveillance from the proper authorities; these venders suggested the removal of shops because they will have many more opportunities of manufacturing and carrying on trade in illicit liquor. And the result is that there is increase in consumption. So, in Salem, the experiment was tried for three years and the result has shown that there is no reduction in consumption of licit liquor. Therefore, the reason suggested by the hon. Mover is not at all sound.

"While I state these facts against this resolution, at the same time I may say that we have also the same desire animating us, namely, reduction of consumption, and to that end larger powers about location of shops are to be given to committees newly proposed. In fact, the decision of the committees in regard to the location of shops is subject to appeal only to the Government. Therefore, if special powers are given to non-official committees which are to be appointed in accordance with the proposals of the Excise Committee, the same end can be achieved. One of the powers suggested by the Committee is that there should be non-official majorities in the local committees, and their recommendations in regard to the location of shops should be accepted by the Commissioner, and so on. So, if after discussion we come to an understanding as to how the recommendations are to be worked so as to allow local committees this power, those local committees can judge their local conditions and make suggestions accordingly. One municipal area differs from another, and so any suggestion to be effective must be in accordance with local conditions and the local committees will be in a better position to go into the matter and suggest the necessary measures. Therefore I submit that on the reasons given by the hon. the Mover there is no case made out for the resolution at all."

* Mr. S. SATYAMURTI :—"I propose that the question be now put."

4-45
p.m.

* Mr. J. D. SAMUEL :—"Mr. President, it may appear to be rather peculiar that I should rise up at this time to speak on this motion. I am certainly at one with the hon. the Mover in the idea that drink should be uprooted. But at the same time I am quite certain that what the hon. the Mover proposed would not be of any use. Besides the reasons given by our expert Minister (laughter), there are other reasons which I could state from my own experience to this House which will show that it will be of very little use to put these arrack shops outside the municipal limits. As soon as an arrack shop is kept outside the town, a number of soda shops arise inside the town. When an attempt was made to decrease drink by putting the arrack shops

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half a furlong off the toll-gate, i.e., far beyond the inhabited area, the result was that a number of soda shops rose up in places where there were previously arrack shops. There were two kinds of sodas sold, one kind of soda before 5 o'clock and another kind after 5 o'clock, one costing 3 pies and the other 3½ annas. I believe drink is a great curse for the country ('Hear, hear'). What I found was that when once the chauffeur went he could get no soda but the cleaner went inside the shop and got soda for 3½ annas. In another place, for example, a shop was removed from the market-place, where of course it was a great temptation but it only increased the illicit sales in the market place. I am afraid that people who want to get drink will always get it at the place they want. If a man wants liquor at 9 o'clock at night, I am sure he will get it then at the place he wants. I hope, therefore, that the hon. Mover will not press this matter for it is certain that we are all desirous of doing something in order to decrease drink. But I am sorry my experience has been against this means. Moreover coolies want their liquor at half past five or six o'clock in the evening and even if the shop is 1½ miles away outside the town, or 3 miles away as it would be in the case of Madras, I am sure they will walk to that place and get the drink."

Mr. C. RAMALINGA REDDI :—"Of course they cannot return home !"

* Mr. J. D. SAMUEL :—"In fact, character is more important in these matters, and I think if you have the shops inside the town or in the inhabited area many respectable people would not go, but if it is outside the town any man will be tempted to go (laughter). I think character is far more important. I think United States is losing its character by its policy of prohibition (laughter). Character must be reformed from inside and not from outside. There is a small example which I will furnish. You all know that adultery is a sin and should be visited with punishment, and with all that, unless the heart is dry, notwithstanding the husband and the wife there are people who commit the sin. It is something like that. I hope the hon. House will excuse me for bringing in that example. Therefore, these rules are of no use unless there is real reform in character."

* Mr. T. ADINARAYANA CHETTIYAR :—"Mr. President, Sir, I had absolutely no idea of joining in the debate, and I thought that it was an obvious advantage to accept this motion and that the hon. the Minister for Excise would accept the resolution. But I find that he has not chosen to do so, and I am even more surprised to find that there are certain other advocates also who are not prepared to consent to this measure of removing these tempting shops from the towns. But the reason why I dared to rise at this late hour was that the name of Salem was very freely mentioned in this debate. It was mentioned by the hon. Mover of this resolution, and it was also mentioned by the hon. the Minister for Excise. The hon. the Minister took it for granted that experiment was a failure in Salem. Sir, I have been in Salem all these years, at any rate, from 1918 up till now. At the time when this experiment was tried, I was closely associated with Mr. C. Rajagopala Achariyar who was the Chairman of the municipality at the time. It was through his efforts and through the efforts of the band of enthusiasts who co-operated with him at the time that the removal of liquor shops from the municipal limits was effected, and I must also state that it was due to the

[Mr T. Adinarayana Chettiyar] [15th December 1925]

kind help of the hon. the Revenue Secretary Mr Legh, who was the Collector of Salem at the time. The experiment was a success and an undoubted success. In spite of what the hon. the Minister for Excise may say now or hereafter, I am prepared to assert that it was a success. The hon. the Minister said that it was not a success, and when he was asked to substantiate it by facts and figures he rather kept a discreet silence and went on to say that though drink inside the town decreased it increased in the country. But is it an argument to say that because it increased in some part of the country liquor shops should continue to be located within the municipal limits? Sir, I may also state to the hon. the Minister for Excise that drink may increase in the country not only on account of the fact that the shops have been removed outside the municipal limits but various causes such as agricultural prosperity, rise in wages, etc. . . ."

* The hon. Rao Bahadur Sir A. P. PATRO :—" I said that consumption in the country shops in the neighbourhood increased."

* Mr. T. ADINARAYANA CHETTIYAR :—" No matter whether in the taluk or in the neighbourhood. Generally increase in drink is due to many causes, like general prosperity, large harvests, etc. But however it does not contradict the convincing arguments advanced by the hon. the Mover of the resolution, viz., that it is a very great evil to have drink shops within available distance of poor people and that it ought not to be tolerated. In all civilised countries efforts are made to save the people in spite of the people themselves who may want drink naturally. It is well known that these shops in towns are located near factories, schools and in places where four roads join together and in the main roads through which the agricultural labourer has to pass in the evening. I do not want to use the forcible language we have been accustomed to hear from our hon. Friend, Mr. Veerian, who used to say ' How can we withstand this temptation, Sir '. It is common knowledge that the mentality of those people who want drink is certainly such that it is impossible for them to resist the temptation especially when the liquor shops are situated within available distance. In spite of what the hon. the Minister for Excise may say, I can assert in this House and elsewhere that the experiment tried in Salem did prove a success and it is only afterwards, when Mr. Legh was away and Mr. Rajagopala Achariyar ceased to be Chairman, that liquor shops were again situated within the town. People who lived in Salem know the difference between the present time and those days. With these few words, I heartily support the resolution of my hon. Friend, Mr. Narayanaswami Pillai."

* Mr. T. M. NARAYANASWAMI PILLAI :—" I want to know from the hon. the Minister whether after the experiment at Salem the shops were reopened at the instance of the Government or at the instance of the Excise Advisory Committee of the town."

* The hon. Rao Bahadur Sir A. P. PATRO :—" Recognizing the results of those experiments, the Excise Advisory Committee recommended the location of shops in suitable places in the town. That was in 1st April 1921."

* Mr. T. M. NARAYANASWAMI PILLAI :—" By the time these liquor shops were brought inside, is it not that the people in Salem were quite against the recommendation of the Excise Committee?"

* The hon. Rao Bahadur Sir A. P. PATRO :—" No ; it does not appear from the report at all."

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* Mr. T. ADINARAYANA CHETTIYAR:—"My memory is to that effect as described by Mr. Narayanaswami Pillai."

* Mr. T. M. NARAYANASWAMI PILLAI:—"In winding up the hon. the Minister said that he was going to give these committees power as to the location of shops. I do not find any such power given in the report of the Excise Committee. I want to know if he is going to give absolute powers to the Committee of removing the shops outside the towns. If he gives such an assurance, I may withdraw my motion."

* The hon. Rao Bahadur Sir A. P. PATRO:—"In regard to that, the hon. the Mover will find in the appendix to the report detailed draft rules."

* Mr. T. M. NARAYANASWAMI PILLAI:—"In the draft rules I do not find any such special powers given to the committees. That is why I beg to know whether these committees are going to be vested with special powers in this behalf. If the Excise Committee want to remove the shops beyond the municipal limits and if they make such a recommendation to the Government, will it be *intra vires* or *ultra vires*?"

* The hon. Rao Bahadur Sir A. P. PATRO:—"The committees are not going to be merely advisory as at present. Larger powers are to be vested in them."

* Mr. T. M. NARAYANASWAMI PILLAI:—"Are they going to be invested with special powers?"

* The hon. Rao Bahadur Sir A. P. PATRO:—"No."

* Mr. T. M. NARAYANASWAMI PILLAI:—"If the committees cannot have such absolute powers."

* The hon. the PRESIDENT:—"Is the hon. Member making a reply or cross-examining the hon. the Minister?"

* Mr. T. M. NARAYANASWAMI PILLAI:—"I want to have definite information on that one point."

* The hon. the PRESIDENT:—"Will he kindly consolidate all his questions into one? If the hon. Member asks all his question together, the hon. Minister would reply to him."

* Mr. T. M. NARAYANASWAMI PILLAI:—"My question is simply this and it requires a simple answer, viz., whether the hon. the Minister intends to vest the local committees with powers to remove liquor shops to places beyond the municipal toll-gates. That is my simple question. He referred me to the appendix and I do not find anything there in that behalf."

* The hon. Rao Bahadur Sir A. P. PATRO:—"With regard to the question asked by the hon. the Mover, the committees proposed would have larger powers in regard to the selection of sites."

Mr. C. RAMALINGA REDDI:—"Would an appeal lie to Government against the decision of those committees?"

* The hon. Rao Bahadur Sir A. P. PATRO:—"In regard to Salem town, I submit that in spite of the remarks of the hon. Member representing North Arcot, whose experience he stated about Salem, the published report of the Excise Department says:

'The number of arrack shops were reduced from 14 to 3 and that of toddy shops from 12 to 6, and the shops themselves were removed to sites on the outskirts of the town. The experiment was tried for three years, but proved a dismal failure. The consumption of liquor in the

[Sir A. P. Patro]

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town shops decreased, but that in the adjacent rural shops increased enormously; the number of offences against the excise laws which were detected increased and there were other indications that malpractices were widely prevalent within the town."

* Mr. S. SATYAMURTI :—"On a point of order, Sir. May I know what it is that the hon. Minister is reading from?"

* The hon. Rao Bahadur Sir A. P. PATRO :—"It is from the published report of the Excise Department for the year 1921-22, which was placed on the Editors' Table. The report continues:

'The removal of shops outside the town and the reduction in the number set up an aggravated form of public nuisance in places where it did not exist before, concentrated drinking, caused congestion in shops and created a situation which rendered effective police and departmental supervision impracticable. Drunkenness merely increased. Recognizing the import of all these facts, the Excise Advisory Committee wisely recommended the removal of the arrack shops to suitable sites within the town with effect from 1st April 1921 and this recommendation was accepted.'

5 p.m.

"Therefore hon. Members will see that the experience of Salem is a great warning to us; and however much we may theoretically consider the question of temperance, the practical means adopted for achieving the result is what we should look into. Therefore the means suggested by the hon. the Mover, as I submitted to the House, are not those that are calculated to achieve the object in view."

* The hon. the PRESIDENT :—"I will now put the amendment to the vote of the House. The amendment is that

for the words 'in big towns, like Trichinopoly,' substitute the words 'in all municipal towns'."

The amendment was put to the House and lost. A poll was taken with the following result :—

Ayes.

- | | |
|---|--|
| 1. Rao Bahadur C. V. S. Narasimha Raju | 14 Mr. C. V. Venkataramana Ayyangar |
| 2. Mr. C. Ramalinga Reddi. | 15. „ R. Veerian |
| 3. Rao Bahadur A. S. Krishna Rao Pantulu. | 16. Rai Bahadur T. M. Narasimhaachari. |
| 4. „ T. A. Ramalinga Chettiyar. | 17. Mr. T. M. Narayanaswami Pillai. |
| 5. Mr. J. A. Saldanha. | 18. „ Haji Abdulla Sahib. |
| 6. „ A. Ranganatha Mudaliyar. | 19. „ Qadir Muhi-ud-din Sahib. |
| 7. „ K. Koti Reddi. | 20. „ Khalif-ul-Jah Sahib. |
| 8. „ S. Muttayya Mudaliyar. | 21. „ T. M. Moidoo Sahib. |
| 9. „ P. C. Venkatapatiraju. | 22. „ P. Peddiraju. |
| 10. „ S. Satyamurti. | 23. „ M. R. Sotaratnam Ayyar. |
| 11. „ T. Adinarayana Chettiyar. | 24. „ M. Sitayya. |
| 12. „ C. Maruthavanan Pillai. | 25. „ R. Srinivasa Ayyangar. |
| 13. „ G. Rameswara Rao. | |

Noes.

- | | |
|--|---|
| 1. The hon. Sir C. P. Rameswami Ayyar | 16 Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 2. „ Mr. N. R. Marjoubanks. | 17. Mr. N. Devendrudu. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur | 18. Rao Sahib P. V. Gopalan. |
| 4. „ Mr. T. K. Moir. | 19. The Zamindar of Kallikot. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 20. Mr. J. Koppaswami. |
| 6. „ Rao Bahadur Sir A. P. Patro | 21. „ B. Madanagopal Nayudu. |
| 7. „ the Raja of Panagul | 22. Honorary Lieutenant Madurai. |
| 8. Mr. E. W. Legh. | 23. Mr. B. Muniswami Nayudu. |
| 9. „ G. T. Bong. | 24. „ K. S. Ponnuswami Pillai. |
| 10. „ V. Pandrang Row. | 25. „ K. Prabhakaran Tampam. |
| 11. „ G. Abdulla Ghutala Sahib. | 26. The Raja of Ramnad. |
| 12. „ S. Arpudaswami Udayar. | 27. Diwan Bahadur M. Krishnan Nayar. |
| 13. Rao Bahadur C. Natesa Mudaliyar. | 28. Mr. P. T. Rajan. |
| 14. Mr. P. K. S. A. Arumuga Nadar. | 29. „ J. D. Samuel. |
| 15. „ A. Rameswami Mudaliyar. | 30. Rao Sahib R. Srinivasan. |
| | 31. „ P. V. S. Sundaramurti. |
| | 32. Mr. S. Venkatachala Padayachi. |

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25 hon. Members voting *for* and 32 *against*, the amendment was lost.

The original resolution 4 was then put to the House and declared lost.

The House then adjourned to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 1072 asked by Mr. K. Sarabha Reddi at the meeting of the Legislative Council held on the 15th December 1925, page 179 *supra*.]

*Extract from the Report on the Elementary Education Survey,
Kurnool district*

* * * * *

8. The facilities for the education of the Adi-Andhras are, thanks to the activities of the various Mission agencies, satisfactory in the district except in the taluks of Dhone, Pattikonda and Markapur. In almost every Malapalli or Mudigapalli with a population of about 500 separate schools for Adi-Andhras are maintained by one or the other of the Mission bodies working in the district. The necessity for separate schools for Adi-Andhras is not, however, apparent in the places mentioned below and the taluk boards concerned may consider the advisability of amalgamating the schools with the Board schools in the adjoining Hindu centres and of utilizing the savings in strengthening the staff of the existing Board schools where necessary :—

Kurnool taluk	...	Board Adi-Andhra schools at Palakurti Belagat and Nannur.
Markapur taluk	..	Board Adi-Andhra schools at Markapur, Dupadu, Gazzalakinda, Tripurantakam, Ganapavaram, Tripuvaram, Bommala-varam, Vemulakota, Nikarampalli and Pedda Ardhavidu.
Sirvel taluk	..	Board Adi-Andhra schools at Allagadda, Kota-Kandukur and Chagalamarri. (The Board Hindu schools in the last two places should be removed to more suitable places.)
Koilkuntla taluk	...	Board Adi-Andhra school at Koilkuntla.
Nandikotkur taluk.		Board Adi-Andhra schools at Mandlam, Miduthur and Choutkur.
Nandyal taluk	..	Board Adi-Andhra schools at Bandiatmakur, Kanala and Ayyalur.

9. There is one instance, viz., Nossamcheri (S. No. 45) of the Koilkuntla taluk in which a Board school for Adi-Andhras was opened notwithstanding the fact that an aided school under the management of the S.P.G. Mission had already been in existence there. The strength of the S.P.G. school has, as a result gone down and it is desirable that one of the two schools should be transferred to a school-less centre in the taluk.

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APPENDIX II.

[Vide item IV Communications to the Council at page 195 supra.]

Reports of the Collector of West Godavari regarding the headquarters of the district.

(i)

Letter from A. H. A. Todd, Esq., I.C.S., Collector of West Godavari, R.O.C. No. A-1-5456, dated 24th August 1925.

I submit my report on the question of the choice of the headquarters for the new West Godavari district.

2. Three Collectors have already reported their opinions on this matter. The first in point of time is that of Mr. Turing. He stated that the headquarters must necessarily be at Ellore ; apparently on the ground of its size and importance. He did not discuss the matter in any detail at all. The next opinion is that of Mr. Campbell who in 1917 urged that the headquarters should be located at Nidadavole. He considered that the arguments in favour of Nidadavole in preference to Ellore are particularly overwhelming, especially having regard to the future. In 1920 Mr. Moore also reported. He heard a number of depositions on the subject, and in his report to the Government, Revenue Department, dated 8th June 1920, he gave detailed reasons for preferring Nidadavole.

3. The arguments in favour of Ellore appear to be these. It is already a well established town of about 40,000 inhabitants. It is on the main line of railway and on the trunk road. Roads from it branch to Chintalapudi and Kamavarapukota in the north, and to the south there are two small roads (now in exceedingly bad condition) to the Collair lake. The town has a water-supply derived from the Kistna canal. It has a hospital which will at any rate for some time be the principal hospital of the District and in consequence will be the headquarters of the District Medical Officer. The town is the centre of a very considerable trade, has a large number of rice mills and a big jute mill, besides being the centre of a well-known carpet-making industry. Its supporters urge that as a result of its size, accommodation of some sort will always be available. Its bazaars are larger, and its shops are more numerous and varied than any to be found elsewhere in the District. It is a convenient centre for any one wishing to visit any parts of Kamavarapukota and Ellore taluks and conversely the inhabitants of these parts can easily visit Ellore. It is the centre of a strong bar, and offers good facilities for education. It is urged further in its favour that the Government will be put to less expense in providing

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accommodation for the new offices and officers since buildings suitable for such purpose already exist. Its advocates also argue that it has suitable building sites for any buildings that may be required. This last is more or less true.

Against Ellore, the following arguments may be brought forward. The town is not really conveniently situated. It is at one corner of the district, and the only parts to which the Kamavarapukota and Chintalapudi roads lead are sparsely habited, provide comparatively little official work. Its accommodation is not really adequate to any additional strain. The town is already overcrowded, and being largely surrounded by wet lands extension in any direction except to the west is very difficult. There is no real accommodation for large new offices. The town is low lying, and as a consequence of this and of the canals and railway it is exceedingly difficult to drain and is, as a matter of fact, very badly drained. Although provided with regular water-supply, that supply is inadequate. In the hot weather when the canal is closed there is a shortage, and in addition to this, since the supply is derived from the Kistna canal which receives most of the drainage of Bezawada and picks up a good deal more undesirable matter in its long course, it is difficult to have great faith even in the filtered supply.

4. The arguments in favour of Nidadavole are these. Nidadavole has been recommended as the headquarters on the ground that it is central. As a glance at the map will show, it is only a few miles from the Godavari river, the eastern boundary of the District. This disadvantage, however, is largely neutralized by the excellent communications which it enjoys. So far as the Canal system is concerned, there is no doubt that its communications are good. The canals which branch from the main canal via Nidadavole run over the greater part of Western delta, and it is easy to get in'o a boat at Chettipeta and visit almost the whole of the area in which the heaviest work of the District lies. Road communications are also good. There is a road right down the Delta from Nidadavole to Narsapur, and from it branch a number of roads running across the Delta on both sides. Unfortunately at the present time most of these roads are in excessively bad condition. Nidadavole is only a small place at present, but it has the advantage of being close to high-lying land which affords admirable building sites, and can be very easily drained. There is a long stretch of dry sandy land north of the railway, and it is on part of this that it was proposed to build the new headquarters. The water-supply from wells on this land will probably be good; the water obtained from the trial pits dug is for the most part sweet. Moreover, the main Godavari canal

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which passes close by is only closed for a month in the year and is usually full, and its water which has not far to travel from the Godavari must be much better than that of Ellore at the extreme end of the Kistna canal.

Although Ellore has some advantage over Nidadavole in respect of road communications in the uplands, by which I mean all land north of the railway, it is more difficult to get direct from Ellore to the Delta because the Collair lake practically obstructs any direct approach. A new broad-gauge railway is about to be built from Nidadavole through Bhimavaram to Palacole and Narsapur, thereby tapping a great part of the Delta. A metre-gauge line will also be built from Bhimavaram via Akiveedu to Kaikalur and Gudivada in the Kistna district. These and the frequent passage of Radhari boats which carry passengers for under three pies a mile, and the cars which still ply for hire on the disintegrating roads make access to Nidadavole for the whole Delta easy, quick, and economical.

Another advantage of Nidadavole from the point of view of the Revenue Department is that it is and must remain the headquarters of the Executive Engineer with whom the Collector should be in close touch.

With Nidadavole as headquarters, there will be no difficulty for people from Ellore side in reaching it, since there is a good service of main line trains between the two. It will always be easier for Ellore people to reach Nidadavole than for people of the Delta to reach Ellore; for in the latter case they must change and get a train at Nidadavole which adds much to the inconvenience of the journey. It is true that from Bhimavaram there is a road direct to Tadepalligudem on the railway between Ellore and Nidadavole, but this road is falling into disrepair, and anyhow Tadepalligudem is much nearer to Nidadavole than to Ellore.

Against Nidadavole is the undoubted fact that it is a small place, and that at present visitors to it will find little accommodation. Ellore, even though a crowded town, is bound for some time to come to have more accommodation of a sort than Nidadavole. I do not, however, think that this can be considered a very serious argument. A violent outbreak of house-building will inevitably occur the moment Nidadavole is proclaimed as the future headquarters. It is even possible that outside capital will come in to reinforce local resources, and the years that must elapse before the new headquarters buildings are completed will afford ample time for speculative builders to complete their work. The fact that it will be possible to get direct by train from Nidadavole through Bhimavaram to Gudivada and the south of the Kistna delta as well as to

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the south of the Gōdāvari delta by the Narsapur railway will much enhance its importance, as a centre of trade even apart from the location of the headquarters. Here building land is at present cheap.

There is a lack of educational facilities for the higher class. The demand will no doubt provide a supply in future. Meanwhile for older boys who require education Rajahmundry is quite near, though it could hardly be visited daily.

Ultimately, the question of a filtered water-supply would have to be taken up. For the time being wells should supply good drinking water.

5. I have endeavoured to collect public opinion on this controversial subject. The people of Ellore are naturally in favour of Ellore. In the rest of the district, opinion is divided but on the whole favours Nidadavole. In Narsapur among those concerned with Civil Courts, there is some preference for Ellore. I believe the reason for this to be a fear that if Nidadavole is the headquarters of the district they may lose the Narsapur Sub-Court. Apart from those who have this interest, I think Delta opinion is distinctly in favour of Nidadavole, although the only formal expression of this opinion is a resolution of the Tanuku Taluk Board. At present Bhimavaram is more concerned about retaining the Divisional headquarters than about the headquarters of the district. Since every one wishes the headquarters to be in his own town, the people of Narsapur and of Kovvur are chiefly interested in urging the claims of their places. The claims of Kovvur are so slight that they may be disregarded. The case of Narsapur is rather different, as the town is undoubtedly suitable for expansion, is well kept and has communications already fairly good which the coming of the railway will improve. Also it has a very pleasant climate, and is very picturesque. However, the fact that it is at an extreme corner of the district really bars its claim, pleasant though it may be to live in. I must remark that the claims of Ellore are most skilfully and vigorously put forward since so many persons connected with the law or with trade are in the same place, and can combine to express opinions much better than the ryots of the Delta. On the whole, and considering the present and prospective advantages of Ellore, and Nidadavole, I have come to the conclusion that Nidadavole is the right choice, and I therefore recommend that it be finally adopted as the District headquarters, and that steps be taken to acquire the land needed and to lay out places for the building of the offices.

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I enclose a map illustrating the communications of the rival capitals, and also written representations from various people in the district, and a copy of a statement of the case for Ellore given me by the Chairman of that municipality.

(ii)

Letter from A. H. A. Todd, Esq., I.C.S., Collector of West Godavari,
dated 13th October 1925.

That I have consulted the non-officials of the district is, I think, clear from my previous report. I have in fact consulted and discussed the question with hundreds of them. I had also discussed the matter with departmental officers. I have, however, again obtained definite opinions. I give them below :—

(2) The District Judge, Mr. A. J. Curgenvin, is strongly in favour of Nidadavole, as five-sixths of the litigation comes from Tanuku, Narsapur and Bhimavaram taluks. He anticipates no difficulty as regards a bar at Nidadavole, as this question will solve itself as soon as the courts are built.

The District Superintendent of Police, Khan Bahadur S. Muhammad Ali Sahib, favours Nidadavole.

The Sub-Collector, Narsapur, and the Deputy Collectors, Nidadavole and Bhimavaram, also favour Nidadavole.

The District Educational Officer, Mr. K. Tatacharya, prefers Nidadavole, and so does Mr. K. Chiranjeevi, the District Registrar.

The only advocates of Ellore are the Deputy Collector, Ellore, Mr. Mahanty, the District Health Officer, Mr. T. Lakshminarayana, and the District Medical Officer, Mr. V. Ganapathi Rao.

Neither of these Medical officers condemns Nidadavole as unhealthy. Mr. Lakshminarayana bases his opinion on the extra expenditure which he thinks will be needed at Nidadavole for offices, etc., while Mr. Ganapathi Rao is chiefly concerned to have his headquarters hospital in a big town and also in the District headquarters. As this can only be achieved by putting the headquarters where the hospital now is, he favours Ellore.

(3) The Public Works Department view naturally favours Nidadavole as it is the only possible headquarters for the Executive Engineer anyhow. I believe that the Superintending Engineer, Mr. Bhaskara Ayyar, is also of this opinion.

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APPENDIX III.

[Vide item IV. Communications to the Council at page 195 supra.]

G.O. No. 1542, Development, dated 27th October 1925.

Read—the following papers :—

I

Letter from Dr. B. SUNDARA RAJ, M.A., PH.D., Director of Fisheries, to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 26th August 1925, Ref No. 1259-P/25-2.

[Cannery—Accounts as at 31st March 1925.]

I have the honour to forward herewith the Balance sheet of the Government Fisheries Cannery, Chaliyam, as at 31st March 1925 duly certified by Messrs. Fraser & Ross, Chartered Accountants and Commercial Accountants and Auditors to the Government of Madras, together with the relative Production, Trading and Profit and Loss accounts for the quarter and year ending that date, and the Auditors' report thereon.

Paragraph 4 of the Auditors' Report.—The Superintendent, Cannery, is making arrangements for the disposal of 22 tins butter and 108 bottles country vinegar which are the perishable articles.

Paragraphs 5 and 6.—During the year 10,857 tins have been written off—an unusually large number which calls for an explanation. Out of the 10,857 tins, 2,572 tins belong to Madras stock and 8,285 to Chaliyam. Out of the stock of 28,085 tins taken back from Messrs. McDowell & Co., Ltd., 12,968 tins were condemned in 1923-24. A further lot deteriorated during the year 1924-25. Nearly the whole of the tins written off in Madras (2,572) belong to this stock. Though every attempt was made to save the good tins when the tins were examined last year by scrapping and polishing and relabelling, 2,469 positively deteriorated. The 8,285 tins rejected out of Chaliyam stock is also unusually large but is explained by the Superintendent as due to the close scrutiny that was exercised during the last quarter in response to Government instructions contained in G.O. No. 108, Development, dated 21st January 1925. I personally checked a good number in connexion with the investigation as to the age up to which Chaliyam tins would keep and could be guaranteed as safe. I also introduced a new system of turning over of each tin in stock once in three months to enable the oil to soak through the fish both at top and bottom. This is done

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in some of the canneries in Norway where the 'maturation' of stock has been specially studied and is a great improvement on the old system of keeping tins stationary when the bottom layer of fish in tins alone get the advantage of the oil. Every tin in stock, therefore, has been handled with the result that many unsound tins which had escaped notice in previous years have been discovered and eliminated. The wastage of 8,285 tins out of a stock of about $1\frac{3}{4}$ lakh or over $4\frac{1}{2}$ per cent is unduly high if it is for a single year, but as explained above the wastage is to be distributed over several years during which inspection and care of stock was not so vigilant. From next year forwards I do not anticipate any undue percentage of wastage, except perhaps in the stock taken back from Messrs. McDowell's. I am forwarding a separate report on the keeping qualities of Chaliyam tins in reply to Government Memorandum No. 2739-II/24-2, dated 3rd December 1924.

Paragraph 7.—I agree. It has been done already.

Paragraph 8 (d).—I had ordered that the labels should be retained in stock as they are to be used for relabelling old stock classified as B class and which is not issued for sale in India as directed in Government Memorandum No. 2739-II/24-2, dated 3rd December 1924. There is a large stock of tins of this class and as they are already labelled with the old-fashioned labels and most of them require to be re-labelled before sale in Malaya or Burma (there has been enquiries for them especially from a firm in Rangoon from whom I am awaiting a quotation). These labels are also to be employed if the scheme for supplying inferior class of canned fish for Burma and Malaya is to be taken up when the cannery resumes work. The labels are not, therefore, really obsolete and they need not, therefore, have been written off by the Auditors without consulting me.

Paragraph 10.—May be tried.

Paragraph 11.—I consider as recommended in my letters No. 2152-P/24-6, dated 30th April 1925, and No. 2152-P/24-8, dated 18th June 1925, that a revaluation of assets is required as the original valuation was not valid.

Paragraph 12.—The question whether quarterly audits are really necessary was raised by me in February 1925 on receipt of the Accountant-General's letter No. H.A. Comml. Mis., dated 16th February 1925, when the sum of Rs. 728 was debited to the cannery accounts on account of quarterly audits. As Messrs. Fraser & Ross agree that they are not required, the accounts need not be audited every quarter.

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ENCLOSURE.

GOVERNMENT FISHERIES CANNERY, CHALIYAM.

Report on the accounts for the year ending 31st March 1925.

1. *Fixed capital expenditure.*—No remarks under this head are necessary.
2. *Tools, Rs. 900.*—Tools have been revalued as at 31st March 1925 by the Superintendent.
3. Stocks of stores and canned goods at Chaliyam have been taken by the Assistant Inspector of Salt, Calicut. For stocks in other places statements properly certified have been received.
4. Stores have been valued at cost. As manufacture has been temporarily stopped, we suggest that all perishable articles such as butter, etc., should be immediately disposed of.
5. Stocks in trade (canned goods) have been valued at two-thirds the selling price as in the previous year. Schedule A shows the opening balance, manufacture, sales and tins written off of each kind of canned goods. During the year 10,857 tins have been written off, and it is impossible to say whether it will be necessary to write off further stocks in future. As pointed out in our report, dated 4th July 1924, on the accounts for the year ending 31st March 1924, the results shown by the accounts submitted herewith are subject to the stocks realizing the value at which they are shown in the Balance sheet.
6. As the majority of stocks are considerably over one year old, we suggested to the Superintendent that they should be depreciated; his reply was to the effect that the older the stocks the more valuable they are provided they are not spoiled. We cannot express any opinion on this point; but suggest that, in view of the number of tins it has been found necessary to write off up to date, this question be considered by Government in conjunction with the Director of Fisheries.
7. In view of the large number of tins written off, we suggest that the spoiled tins should be inspected by the Assistant Director, Calicut, before they are destroyed.
8. The working for the fourth quarter shows an increased loss compared with those of previous quarters due to—
 - (a) scarcity of fish;
 - (b) idle time consequent on reduced production;
 - (c) tins written off;
 - (d) obsolete labels written off.
9. *Working for the year.*—Production was little more than half that of the previous year, and the percentage of more expensive fish such as mackerel and prawns canned was much greater than in the previous year.

The cost and selling prices per dozen of each class of fish canned are shown in schedule A.

Miscellaneous expenses include an item of Rs. 650, being expenses of Mr. Gimvin who was sent to Singapore in order to increase sales.

[15th December 1925]

10. *Costing.* —We consider that the system recommended by Mr. George is too elaborate for the cannery and enclose herewith a form to be substituted in place of the Forms 9 (c) to 16 (c) if manufacture is to continue.

In this form costs should be ascertained weekly, a copy of the statement being sent weekly to the Director.

The form is simple and self-explanatory—

Cost of fish can be obtained from the cash book,

Cost of other materials can be obtained from the respective indents,

Wages can be calculated from the muster roll,

and to cover all overheads a percentage on the total of materials and labour should be added. Based on the accounts of the past year we suggest that overheads for the first four weeks should be charged at 100 per cent, the four weekly statements being consolidated monthly and compared with the monthly trial balance.

Every month the centage recovered should be agreed with the actuals and the charge adjusted for the succeeding month. Idle-time wages also should be recovered as centages.

11. Since the audit was completed we have received the Accountant-General's letter No. II A. Comml. 8-688, dated 5th June 1925, regarding the revaluation of the assets, and we consider that there is no necessity to revalue the assets until the question of the future of the factory has been decided.

12. Till manufacture is recommended, we consider that quarterly accounts are unnecessary. The expenditure will consist of salaries only which will be audited by the Accountant-General. The Assistant Director, Calicut, during his inspections could satisfy himself that collections are being regularly remitted to Bank.

We suggest that the submission to us of the monthly trial balance will keep us advised that the books are being kept up to date and that attention is being paid to the collection of outstandings.

Subject to the foregoing we certify that we have obtained all the information and explanations we have required and that the Balance sheet referred to above in our opinion exhibits a true and correct view of the state of the cannery's affairs according to the best of our information and the explanations given to us and as shown by the records of the cannery.

MADRAS,
18th June 1925.

FRASER & ROSS,
Chartered Accountants,
Commercial Accountants and Auditors to the
Govt. of Madras.

15th December 1925]

SUB-ENCLOSURES
GOVERNMENT FISHERIES CANNERY, CHALIYAM.

(1)
SCHEDULE A.—Statement of canned goods for the year ending 31st March 1925.

Number.	Varieties of fish.	(2)	Cost price per doz. tins.		Selling prices per doz. tins.	(5)	Manu- facture 1st April 1924 to 31st March 1925.	(7)	Write-off including free samples issued from 1st April 1924 to 31st March 1925.	(9)	Total of columns (8) and (9).	(10)	Opening balance on 1st April 1925 or closing balance on 31st March 1925, i.e., column (7) minus (10).
			Rs.	A. P.									
1	Plain sardines ..	7 oz.	Rs.	A. P.	5 4 0	9,335	..	9,335	569	2,744	3,313	6,022	
2	Do. ..	12 "	..	..	8 0 0	2,312	..	2,312	316	17	333	1,979
3	Curried sardines ..	7 "	4 8 3	8 0 0	5 4 0	13,473	5,549	19,022	2,317	4,934	7,251	11,779	
4	Do. ..	12 "	..	..	8 0 0	1,470	..	1,470	356	12	358	1,102
5	Sardines in oil ..	7 "	4 8 3	8 0 0	5 4 0	131,322	4,709	136,041	3,688	7,929	11,597	124,465	
6	Do. ..	12 "	..	..	8 0 0	2,361	..	2,361	208	136	344	2,017
7	Boneless sardines in oil ..	7 "	4 14 5	6 0 0	5 4 0	695	1,682	2,377	67	510	577	1,801	
8	Bardines in tomato sauce ..	7 "	4 15 3	6 0 0	5 4 0	..	856	856	41	349	390	466	
9	Do. ..	12 "	7 15 0	7 8 0	7 8 0	..	130	130	1	42	43	87	
10	Plain mackerel ..	12 "	8 11 3	6 8 0	8 0 0	6,475	1,000	7,475	1,282	594	1,876	5,599	
11	Curried mackerel ..	12 "	9 7 1	7 8 0	7 8 0	390	1,247	1,637	93	226	319	1,818	
12	Mackerel in oil ..	12 "	9 5 3	7 8 0	7 8 0	889	7,865	8,754	351	1,332	1,683	7,071	
13	Marinated mackerel ..	12 "	9 7 1	7 8 0	7 8 0	119	465	584	58	110	168	416	
14	Whole prawns ..	9 "	9 9 1	7 8 0	7 8 0	78	11,210	11,288	573	6,146	6,719	4,569	
15	Seer (plain) ..	12 "	9 10 5	7 8 0	7 8 0	3,344	992	4,336	291	2,744	3,036	1,302	
16	Seer (in oil) ..	12 "	9 8 5	7 8 0	7 8 0	764	829	1,593	57	452	509	1,084	
17	Pomfret ..	12 "	9 10 9	7 8 0	7 8 0	84	22	106	..	101	101	5	
18	Tamarind fish or pada ..	12 "	3 13 7	9 0 0	9 0 0	18	185	203	..	119	119	96	
19	Prawn pastes ..	3 "	3 3 7	4 8 0	4 8 0	84	1,864	1,948	88	1,385	1,473	475	
20	Prawn savoury ..	3 "	..	4 0 0	4 0 0	191	806	997	137	243	380	617	
21	Smoked mackerel paste ..	3 "	3 5 7	4 0 0	4 0 0	5,463	..	5,463	331	1,513	1,844	3,619	
22	Smoked fish paste ..	3 "	3 1 7	4 0 0	4 0 0	366	1,242	1,608	7	1,108	1,115	493	
23	Sardine paste ..	3 "	3 5 7	4 0 0	4 0 0	..	565	565	4	57	61	510	
24	Fish paste ..	3 "	9 8 5	4 0 0	4 0 0	183	1,459	1,642	42	1,083	1,125	517	
	Total ..		..	..	..	179,426	42,677	222,103	10,857	33,886	44,743	177,409

* Includes excess 40 tins found in stock-taking.

(2)

Balance Sheet as at 31st March 1925.

CAPITAL AND LIABILITIES.			PROPERTY AND ASSETS.			
	RS.	A. P.	RS.	A. P.	RS.	A. P.
Capital—						
Government of Madras—						
Balance as per Balance sheet as at 31st March 1924	3,861	12 0	Fixed capital expenditure—			
Add Interest charged on capital up to 31st March 1924.	3,040	5 4	Buildings as per Balance sheet as at 31st March 1924.	18,597	0 0	
Direction charges up to 31st March 1924.	250	0 0	Less Depreciation to date ..	2,642	0 0	
Audit fees up to 31st March 1924.	528	4 0	Plant and machinery as per Balance sheet as at 31st March 1924.	23,350	9 0	16,555 0 0
Liabilities as per Balance sheet as at 31st March 1924 reversed.	7,880	5 4	Less depreciation to date.	3,581	9 0	
	1,10,495	3 9	Office furniture as per Balance sheet as at 31st March 1924.	1,423	12 2	19,769 0 0
Less Loss up to 31st March 1924	2,371	8 5	Additions during the year.	82	6 6	
Remittances during the previous year adjusted in the cannery books during the year.	163	11 0		1,456	2 8	
Balance of permanent advance returned.	231	13 9	Less Depreciation to date.	173	2 8	1,283 0 0
						37,607 0 0
						900 0 0
						18,113 3 9
						54,779 15 0
Add Working capital				1,373	14 3	
				Considered doubtful	279 15 0	
Reserves for expenses due to Government—						1,653 13 3
Direction charges	112	8 0	Cash and other balances—			
Audit fees	512	0 4	With treasury, Calicut No. II account	5,522	12 4	
Contribution for leave and pension allowances.	484	14 0	With treasury, Calicut No. I account.	528	2 1	
			Cash on hand	142	9 6	
			Service stamps	114	14 6	6,308 6 5
Temporary accommodation	10,000	0 0				
Add Reserve for interest due	40	0 0	Profit and Loss account—			
			Loss for the year as per Profit and Loss account.	..	..	7,431 14 6
Reserve for bad and doubtful debts						

[15th December 1925]

[15th December 1925]

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Liabilities—			
For Europe Stores	4,247 7 0		
For expenses	385 9 0		
For customers' credit balances ..	3 13 0		
	<u>4,636 13 0</u>		
		<u>1,26,794 4 11</u>	<u>1,26,794 4 11</u>

Examined and found correct, subject to our report of even date.

FRASER & ROSS,
Chartered Accountants,
Commercial Accountants and Auditors to the Govt. of Madras.

MADRAS,
18th June 1925.

(3)

Production Account for the quarter ending 31st March 1925.

	RS.	A.	P.	RS.	A.	P.
To Opening stock—						
Raw materials	12,331	1	3	By Sundry sales .. ..	..	..
Empty cans	1,303	15	10	" Value of canned fish produced ..	..	..
Guano	4	4	0	" Closing stock—		
Prawn shells	6	0	0	Raw materials	16,040	9 3
Fish oil	5	0	0	Empty cans	1,962	8 0
Folder sticks	55	2	0	Fish oil	15	0 0
Curry powder	30	0	0	Soldier sticks	80	11 6
Tomato sauce	10	8	0	Curry powder	14	7 0
					<u>18,113</u>	<u>3 9</u>
" Purchases—						
Fish for canning	99	1	10			
Raw materials including condiments, etc.	4,332	15	1			
	<u>4,432</u>	<u>0 11</u>				
" Manufacturing wages	460	13 11				
" Salaries—						
Mechanic	114	0	0			
Canning overseer	116	3	0			
Stores clerk—half pay	57	0	0			
Superintendent—One-third	100	0	0			
	<u>381</u>	<u>3 0</u>				
" Repairs	40	5 6				
" Depreciation on tools	239	0 0				
	<u>19,299</u>	<u>6 5</u>				
					<u>19,299</u>	<u>6 5</u>

15th December 1925]

Production Account for the year ending 31st March 1925.

	RS.	A.	P.	RS.	A.	P.	By	RS.	A.	P.	RS.	A.	P.
To Opening stock—							Sundry sales...						
Raw materials	10,768	14	1	" Value of canned fish produced	..	..	..	447	15	7
Empty cans	1,208	2	0	" Closing stock—	..	..	..	13,946	14	5
Guano	177	4	0	Raw materials	..	..	..
Fish oil	14	0	0	Empty cans	..	..	..	16,040	9	3
Prawn shells	6	14	0	Fish oil	..	..	..	1,962	8	0
Pit manure	20	0	6	Solder sticks	..	..	..	15	0	0
							Curry powder	..	..	..	80	11	3
By Purchases—				12,195	2	1		..	..	..	14	7	0
Fish	1,924	3	6							
Raw materials including condiments, etc.	13,451	7	0							
By Manufacturing wages				15,405	10	6							
Salaries—				2,941	12	11							
Mechanic	439	3	0							
Canning overseer	436	6	0							
Stores clerk—half-pay	224	10	6							
Superintendent—one-third..	400	0	0							
Repairs	1,560	3	6							
Depreciation on tools..	149	12	9							
				315	8	0							
				32,508	1	5							
											32,508	1	9

[15th December 1925]

(7)
Trading Account for the year ending 31st March 1925.

	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
To Opening stock—									
At Chaliyam and other places ..	54,027	11	1	By Sales ..	..	..	19,511	15	6
Packing materials ..	364	0	0	Less Returns ..	..	..	192	15	0
									19,318 0 6
.. Canned fish produce as per Production account.	54,391	11	1	.. Closing stock—					
.. Selling expenses—	13,916	14	5	At Chaliyam and other places ..	..	..	54,560	0	0
Packing materials ..	32	9	0	Packing materials ..	..	..	210	15	0
Railway freight ..	376	0	3	.. Balance transferred to Profit and Loss account.	..	..	..	..	54,779 15 0
Petty cooly ..	146	3	10						1,179 14 6
Postage and telegrams ..	2,694	6	0						
Advertisement ..	1,531	13	9						
Salaries ..	1,299	11	6						
Commission and discount ..	757	3	2						
Travelling expenses ..	101	5	0						
	6,939	4	6						
	75,277	14	0						75,277 14 0

(8)
Profit and Loss Account for the year ending 31st March 1925.

	RS.	A.	P.	RS.	A.	P.	RS.	A.	P.
To Balance transferred from Trading accounts.									
.. Establishment ..	1,033	1	0	By Miscellaneous receipts ..	..	..	..	..	586 7 8
.. Printing and Stationery ..	140	13	6	.. Net loss carried to Balance sheet ..	..	..	..	..	7,431 14 6
.. Law charges ..	10	0	0						
.. Miscellaneous expenses ..	822	10	2						
.. Share of direction expenses ..	432	8	0						
.. Audit fee ..	920	13	1						
.. Contribution for leave and pension allowances.	484	14	0						
.. Reserve for interest on temporary accommodation.	40	0	0						
.. Depreciation on—	3,584	11	9						
Buildings ..	558	0	0						
Plant and machinery ..	1,168	0	0						
Furniture ..	72	6	6						
.. Obsolete labels written off ..	1,798	6	6						
	949	5	5						
	7,812	6	2						7,812 6 2

N.B.—Profit and Loss account does not include interest on capital.
Interest on capital of Rs. 1,10,728 at 5 per cent works out at Rs. 5,536 for the year.

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(9)

Cost statement for the week ending

192 .

Number.	Details of cost	Total.	P S 7 oz.	C S. 7 oz	S.O. 7 oz.	P.M. 12 oz.	M.O 12 oz.	C.M. 12 oz	M M. 12 oz.	W P 12 oz	Seer.			Tins manu- factured.
1	Fish													
2	Other materials													
3	Wages													
	Total .													
4	Overhead charges .. .													
	Total cost excluding tin													
5	Number of tins produced ..													
6	Cost per tin excluding tin .													
7	Cost of tin.. .. .													
	Total cost per tin includ- ing tin ..													
8	Cost per dozen tins ..													
9	Selling price per dozen tins.													

II

**Endorsement of the Accountant-General, No. H.A.
Comml. 8/968, dated 24th September 1925.**

Forwarded.

2. The cannery having been brought under Chapter 2 of the Account Code from 1st April 1924, the loss for the year 1924-25, viz., Rs. 7,481-14-6, will have to be adjusted by credit to the Personal Ledger account and debit to the head "35. Industries—Losses on Government Commercial undertakings" as was done in the case of the Russellkonda Saw Mills—vide paragraph 9 of G.O. No. 176, Development, dated 3rd February 1925.

[15th December 1925]

3. The audit fee and out-of-pocket expenses of the Auditors for the last quarter of 1924-25 amount to Rs. 257-8-0 only. The Auditors have been addressed to make the necessary adjustments in the next Profit and Loss account.

4. *Paragraphs 5 to 7 of the Auditors' Report.*—It is observed that 10,857 tins valued at Rs. 5,184 have been written off as they have deteriorated. The write-off requires the sanction of Government—vide article 227, Civil Account Code, Volume I, and Annexure to Chapter 17, Madras Treasury Manual, Volume I.

5. *Paragraph 8 (d) Write-off of labels.*—It is for Government to decide whether the labels may be utilized for re-labelling old stock in the circumstances explained by the Director of Fisheries.

6 *Paragraph 11 of the Auditors' Report—Revaluation of the assets.*—A revaluation of assets seems desirable as the Director states that the original valuation is not valid.

7. *Paragraph 12 of the Auditors' Report—Discontinuance of quarterly audit.*—If quarterly audit is not considered necessary, it is suggested that, in view of the heavy stock and risk of deterioration to which this class of goods seems to be specially liable, a report showing the condition of the stock may be sent to Government quarterly by the officer deputed to verify the stock.

8. *Paragraph 10 of the Report—Costing.*—Forms 9 (c) to 16 (c) which are proposed by the Auditors to be replaced by a new form were not sent to this office and are being called for and will be examined on receipt.

9. *Statement of canned goods for the year ending 31st March 1925.*—It may be observed that for items 11 to 17 of the statement the selling price is less than the cost price by about 20 per cent and for item 24 the selling price is less than 50 per cent of the cost price. The desirability of manufacturing these goods may be considered. In the case of item 11, 573 tins (including free samples issued) were written off from an opening balance of 78 and 11,210 tins produced during the year. The reason for the high percentage of loss may be looked into.

10. The opening balance under raw materials in the Production account is Rs. 10,768-14-1 and the closing balance is Rs. 16,040-9-3. The purchases under this for the year amounted to Rs. 13,481-7-0 which includes Rs. 4,332 for purchases in the last quarter. The necessity for the continued large purchases which increased the balance of materials when the manufacture practically ceased calls for explanation.

15th December 1925]

11. Rupees 4,247-7-0 shown in the Balance sheet as liabilities for Europe stores represents the cost of tin plates indented for. The necessity for this purpose when the manufacture of canned goods has practically ceased also calls for comment.

J. C. NIXON,
Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 1542, Development, dated 27th October 1925.

Recorded.

2. *Paragraphs 5 and 6 of the Audit Report.*—The investigations recently conducted by the Director have shown that sardines which form the larger portion of the stock now on hand can be safely stored for a maximum period of seven years in India. This stock not being so old the Government do not consider it necessary to depreciate it in the accounts. The Government sanction the write-off of Rs. 5,184 being the value of the 10,857 tins which have deteriorated.

3. *Paragraph 8 (d) of the Audit Report.*—In the circumstances explained by the Director, Messrs. Fraser & Ross are requested to restore the value of the labels to the accounts when they are next prepared.

4. *Paragraph 10 of the Audit Report.*—The Accountant-General is requested to expedite his remarks on the form of costing statement recommended by Messrs. Fraser & Ross.

5. *Paragraph 11 of the Audit Report.*—The Government consider that the question of revaluation of the assets should be postponed until a decision is arrived at in regard to the future of the cannery which is now under consideration.

6. *Paragraph 12 of the Audit Report.*—The Government agree that until manufacture is recommenced quarterly accounts are unnecessary. The Director is requested to arrange to furnish Messrs. Fraser & Ross with a monthly trial balance. The Government however consider it necessary that quarterly reports should be submitted to Government showing the condition of the stock.

7. *Paragraph 2 of the Accountant-General's Endorsement.*—The Government direct that the loss of Rs. 7,431-11-6 incurred by the

[15th December 1925]

concern be adjusted by credit to the Personal Ledger account and debit to the head "35. Industries—Losses on Government Commercial undertakings." The Director is requested to submit a reappropriation statement to transfer the amount required to this head from anticipated savings under other heads.

8. *Paragraphs 9, 10 and 11 of the Accountant-General's Endorsement.*—The Director is requested to submit a report on the points raised by the Accountant-General.

(By order of the Government, Ministry of Development)

V. PANDRANG ROW,
Secretary to Government.

To the Director of Fisheries.
,, the Accountant-General.
,, the Finance Department.
,, the Auditor-General (with C.L.).
,, Messrs. Fraser & Ross.
,, the Secretary, Legislative Council office.

THE MADRAS LEGISLATIVE COUNCIL.

Wednesday, the 16th December 1925.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTANA-SWAMY, M.A., Bar-at-Law) in the chair.

PRESENT:

Ramaswami Ayyar, K.C.S.E., The hon. Sir C.P.	Murugappa Chettiyar, Rao Bahadur A. M.
Marjoribanks, C.S.I., C.I.E., The hon. Mr. N. E.	Muttayya Mudaliyar, Mr. C.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Muttayya Mudaliyar, Mr. S.
Moir, C.S.I., C.I.E., The hon. Mr. T. E.	Narasimhaachari, Rai Bahadur T. M.
Raja of Panagal, The hon. the.	Narasimha Raja, Rao Bahadur C. V. S.
Patro, Kt., The hon. Rao Bahadur Sir A. P.	Narayanan Nambudiripad, Rao Bahadur O. M.
Siragnanam Pillai, The hon. Diwan Bahadur T. N.	Narayanawami Pillai, Mr. T. M.
Abdul Hye Sahib, Mr.	Natesa Mudaliyar, Rao Bahadur C.
Abdul Wahab Sahib, Mr. M.	Obalesappa, Mr. B.
Abdulla Ghatala Sahib, Mr.	Pandrang Row, Mr. V.
Adinarayana Chettiyar, Mr. T.	Pantulu Ayyar, Mr. V.
Anjaneyulu, Mr. P.	Peddiraju, Mr. P.
Arpudawami Udayar, Mr. S.	Ponnuswami Pillai, Mr. K. S.
Arumuga Nadar, Mr. P. K. S. A.	Prabbakaran Tampan, Mr. K.
Biswanath Das Mahasayo, Sriman.	Raghuchandra Bullal, Mr. K.
Boag, Mr. G. T.	Raja, Rao Bahadur M. C.
Cameron, C.I.E., I.M.S., Lieut.-Col. J. P.	Raja of Ramnad.
Chidambara Nadar, Mr. A.	Rajan, Mr. P. T.
Devendrudu, Mr. N.	Ramachandra Reddi, Mr. B.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Raman, Rao Bahadur P.
Gangaraju, Mr. M.	Ramachari, Rao Sahib K. V.
Gopala Menon, Mr. C.	Ramalinga Chettiyar, Rao Bahadur T. A.
Gopalan, Rao Sahib P. V.	Ramaswami Mudaliyar, Mr. A.
Guruswami, Mr. L. C.	Ranganatha Mudaliyar, Mr. A.
Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-lah.	Sagaram, Mr. P.
Heggade, Mr. D. Manjappa.	Saldanha, Mr. J. A.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Samuel, Mr. J. D.
Khadir Mohiddin Elyas Khan Sahib, Mr.	Sasibhusan Rath Mahasayo, Sriman.
Khalil-ul-lah Sahib Bahadur, Khan Bahadur P.	Satyamurti, Mr. S.
Koti Reddi, Mr. K.	Sitayya, Mr. M.
Krishnan Nayar, Diwan Bahadur M.	Siva Rao, Mr. P.
Krishna Rao Pantulu, Rao Bahadur A. S.	Srinivasa Ayyangar, Mr. R.
Krishnama Achariyar, Rao Bahadur V. I.	Srinivasan, Rao Sahib R.
Krishnaswami Nayudu, Rao Bahadur K.	Subbarayan, Dr. P.
Kuppuswami, Mr. J.	Sundaramurti, Rao Sahib P. V. S.
Legh, C.I.E., Mr. E. W.	Symons, Major-General P. H.
Madanagopal Nayudu, Mr. R.	Tanikaachala Chettiyar, Rao Bahadur O.
Madhava Raja, Mr. V.	Veerian, Mr. R.
Madurai, Honorary Lieutenant.	Vellingiri Gounder, Mr. V. C.
Mallesappa, Mr. T.	Venkatachalam Chetti, Mr. S.
Maruthavanam Pillai, Mr. C.	Venkatachala Padayachi, Mr. K.
Moidu Sahib, Mr. T. M.	Venkatapati Razu, Mr. P. C.
Muniswami Nayudu, Mr. B.	Venkataramana Ayyangar, Mr. C. V.
	Venkatarama Sastri, Mr. T. R.
	Windle, Capt. E. G.
	Zamindar of Kallikota.

[16th December 1925]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Civil Justice.

Appointment of a local Government vakil for the District Munsif's Court, Ramnad.

* 1086 Q.—The RAJA OF RAMNAD. Will the hon. the Law Member be pleased to state—

(a) whether he is aware of the appointment of one Mr. R. Kalahasti Ayyar as local Government vakil for the District Munsif's Court at Ramnad;

(b) whether the said vakil has ever filed a single vakalat in any civil court, at any rate within the last quarter of a century;

(c) on what basis the appointment is made;

(d) whether Mr. Muthuthirumeni Pillai who has left the station is also continued in some cases still;

(e) whether or not this arrangement involves double payment of fees: one to Mr. R. Kalahasti Ayyar and another to Mr. Muthuthirumeni Pillai;

(f) whether or not this arrangement further involves payment of travelling allowances to the latter, who has now settled down at Madura; and

(g) what the justification is for this arrangement?

A.—(a) Yes.

(b) Yes.

(c) The appointment was made by the Collector who made his choice with due regard to the experience and efficiency of the pleader.

(d) Mr. Muthuthirumeni Pillai, the previous pleader for Government, is in charge of only one suit now. He has been in charge of this suit for the last 18 months and it is considered expedient to allow him to continue in charge of it.

(e) No.

(f) No.

(g) Does not arise.

The RAJA OF RAMNAD:—"Sir, with reference to the question (b) whether the said vakil has ever filed a single vakalat in any civil court, at any

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rate within the last quarter of a century' the answer given is 'Yes'. I am in a position to contradict that statement and say that he has not filed a single vakalat except after he was made a Government pleader, within the last 25 years."

The hon. Sir C. P. RAMASWAMI AYYAR:—"I am in a position to give this information—'Mr. Kalahasti Ayyar is one of the leading vakils at Ramnad. He has had 30 years' experience as a vakil, and is the elected President of the local Bar Association formed after the advent of the District Munsifs' Court at Ramnad at the beginning of last year. There has been a civil court at Ramnad only since the beginning of last year. The vakils at Ramnad were practising partly in criminal and partly in the court of the Revenue Divisional Officer, Ramnad, and the Special Deputy Collector, Manamadurai. . . . Mr. Kalahasti Ayyar has filed a few vakalats in the civil court there. But his practice in the civil court is less than in the criminal court.' This is the information we have."

The RAJA OF RAMNAD:—"Some of the vakils in Ramnad who are second-grade pleaders are eligible to appear in the civil court also though in Small Causes only. There are vakils who had appeared in the civil court located at Paramakudi which had jurisdiction over Ramnad. But I am in a position to say that this vakil has never filed a single vakalat according to his confession (I am disclosing a private conversation). He is a senior vakil in the sense he has had a number of years' practice in the criminal bar but not in the civil court. I wish to ask whether such kind of patronage should not be discouraged by the Government. At present a number of High Court vakils have migrated to Ramnad, and there is no reason why this vakil should be selected. It is not on personal grounds but on principle, I think, such a jobbery should be discouraged."

The hon. Sir C. P. RAMASWAMI AYYAR:—"The Government know absolutely nothing about it. The Government are not concerned with the appointment. The appointment was made by the District Magistrate, and he has given certain reasons, after the question from the Raja of Ramnad, as to this appointment. There is no reason to go back upon the decision."

The RAJA OF RAMNAD:—"Am I to understand that the Government will not interfere even when the hon. the Law Member is personally satisfied that the appointment was not properly made?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"If the District Magistrate goes wrong I have no doubt Government will instruct him to do the right thing. But from the materials before me—some of which I can place before the House and some of which I cannot—I am satisfied that in this case the Government have no reason to interfere."

Acting and temporary district munsifs.

* 1087 Q.—MR. C. V. VENKATARAMANA AYYANGAR. Will the hon. the Law Member be pleased to state whether acting and temporary district munsifs get any increment in their salary till they are confirmed and whether the Government intend to increase the number of permanent district munsifs in the near future?

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A.—Acting and temporary district munsifs are not eligible for increments in their salary before they are confirmed. The number of permanent district munsifs depends on the number of permanent district munsifs' courts. The question of permanently retaining any of the temporary courts will be examined shortly by the Government.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the hon. the Law Member can tell us the number of acting district munsifs ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I am afraid I cannot give the exact number. I have got some figures, but if the hon. Member will either repeat the question or ask me at another time I shall let him have the information."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Does the hon. the Law Member know that some of the district munsifs have been acting or temporary for more than four or five years without any increment ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" We are aware of it; we are not at all satisfied with that condition of things."

Electricity.

Repairs to electric installations.

* 1088 Q.—Mr. A. RAMASWAMI MUDALIYAR With reference to the notification appearing in the *Fort St. George Gazette* of September 8, 1925, at page 1674, will the hon. the Law Member be pleased to state—

(a) whether there has been any complaint from any source that electric installation work and repairs and adjustments of existing installations have been carried on by incompetent persons and have resulted in danger to life or property; if so, whether such complaints come from non-official sources or from official sources; who are the officials that have complained regarding the matter; and

(b) whether the Government are aware that repairs and adjustments to existing installations are sometimes of such a trivial character that a house-owner himself can often carry them out without expert advice or supervision?

A.—(a) The Government have not received any particular complaints.

(b) The answer is in the affirmative.

Arrangements for financing the Pykara Hydro-electric scheme.

* 1089 Q.—Mr. S. SATYAMURTI: Will the hon. the Law Member be pleased to state—

(a) at what stage the arrangements for financing the Pykara Hydro-electric scheme are to-day;

(b) whether attempts will be made to exhaust the possibilities of the Indian loan market before any loan is floated in other countries; and

(c) on what terms and conditions Sir Arthur Knapp carried out his work in connexion with the Pykara scheme in London?

A.—(a) & (b) The matter is still under consideration. I explained the Government's intentions in my replies to the question put by Mr. C. V. Venkataramana Ayyangar in August.

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- (c) As I explained also in August, Sir Arthur Knapp was on deputation for a month to represent us in the negotiations in London for the repurchase of the Pykara concession. He drew Rs. 1,333-5-4, the difference between his leave pay and his full pay as Member of Council.

Mr. S. SATYAMURTI :—“ The hon. the Law Member will pardon me if I am repeating my question. I should like to know, in view of the very large amount of public interest in the matter, whether he will be willing enough to answer my question, part (b), categorically.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I can even go further. Attempts have been made to explore all possibilities of running the Pykara electric scheme as a Government concern.”

Mr. S. SATYAMURTI :—“ I am obliged for the answer.”

Appointment of Mr. Hawkins in connexion with Hydro-electric schemes.

* 1090 Q.—Mr. C. V. VENKATARAMANA AYYANGAR Will the hon. the Law Member be pleased to state—

(a) whether Mr. Hawkins, the Chief Engineer for Irrigation, has been placed on special duty in connexion with Hydro-electric schemes ;

(b) for what period he has been placed on special duty and on what terms ;

(c) whether his powers and duties have been prescribed and if so, what they are ; and

(d) whether any attempt was made to secure the services of an Indian, younger in age, and likely to be in the service for a longer time either to do Mr. Hawkins' work or to help him ?

A.—(a) Yes.

(b) For three months from 10th September 1925 ; on the same pay that he would have drawn had he continued to be Chief Engineer for Irrigation

(c) He is in charge of the Hydro-Electric division and is to complete the investigation of the Pykara scheme and such of the other schemes under consideration as may be possible in the time.

(d) Mr. Hawkins was put on this duty as he had already been concerned in the preparation of these schemes. Mr. Savarinathan has been appointed as Executive Engineer in the Hydro-Electric division and Mr. Natesa Ayyar as Assistant Engineer.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know with respect to answer (b) whether the appointment had ceased from the 10th December ? For it is stated that he has been placed on special duty for three months from 10th September 1925.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ That matter is under consideration. He has been continued pending consideration of certain questions which have arisen.”

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The Pykara scheme.

* 1091 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) what progress has been made regarding the Pykara scheme ;

(b) whether any plans and estimates and lists of machinery have been prepared ;

(c) whether any tenders are being called in India, Germany, America and England for the machinery and whether any advertisements have been published regarding the same ;

(d) who has been appointed to scrutinize the tenders and accept the most satisfactory one ;

(e) whether the Government have any idea of appointing a committee to check the estimates and tenders and to advise the Government as to the cheapest or most satisfactory tenders ;

(f) whether any agreements tentative or final have been entered into for financing the scheme and if so, whether some idea may be given of the same ;

(g) whether any arrangements tentative or final have been entered into for the distribution of power ; and

(h) whether the Coimbatore Power Syndicate, Limited, have applied to be given the right of distribution and if so, on what terms and with what result ?

A.—(a) & (b) Plans and estimates have just been received from the Chief Engineer and are under consideration.

(c) to (h) The answers are in the negative.

Mr. J. A. SALDANHA :—“ With reference to the answers to clauses (c) to (h), I want to know why Government have not called for tenders in India.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ We must first get the money. After we are absolutely sure of getting the finances then the question of calling for tenders may arise.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Does it mean that the Government have not decided upon taking up this work ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ We have decided upon taking up this work, and the hon. Member will be pleased to learn that a provision has been made in the budget for a fairly big sum, i.e., 10 lakhs.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ As regards clause (h), the hon. the Law Member says that he has not received any application from the Coimbatore Power Syndicate. I thought there was some correspondence on the subject.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ There has been correspondence between the Syndicate and the Government, but no definite application has been made, because, as I have mentioned elsewhere and I shall repeat it here, Government do not want to keep any right of distribution to themselves but propose to hand it over to any agencies, which will be more convenient, instruments of distributions.”

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Mr. J. A. SALDANHA :—"So, I want to know whether Government are contemplating to advertise for tenders all over the world. The hon. Member must be aware that there are other countries apart from England where such machinery is produced cheaper and more efficiently."

The hon. Sir C. P. RAMASWAMI AYYAR :—"The Government are aware that there are other countries where the hydro-electric machinery may be produced much cheaper than in England. All these circumstances will be kept in view if and when we call for tenders."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I request the hon. the Law Member to remember what has taken place as regards water pipes in Coimbatore?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"I cannot remember it because I do not know it."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I thought the matter was here discussed on several days. Without advertisements and without calling for tenders, the order was given to a particular company and that gave rise to a number of questions. Therefore I request the hon. the Law Member that when the work is taken up he will cause the necessary advertisements to be made not only in this country but in other countries also."

The hon. Sir C. P. RAMASWAMI AYYAR :—"I would ask the hon. Member to reserve his suggestions on this matter until the budget time when there will be a fairly big allotment asked for with regard to the hydro-electric scheme and I think he will be within time at that stage."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Will no attempts be made in this matter before the budget discussion?"

The hon. Sir C. P. RAMASWAMI AYYAR :—"I do not want to pledge myself to this. The remarks of the hon. Member and other hon. Members will be borne in mind."

Irrigation.

Irrigation and drainage channels in some villages in Tanjore district.

* 1092 Q.—Mr. V. PANTULU AYYAR : Will the hon. the Law Member be pleased to state—

(a) whether the report from the Superintending Engineer, referred to in the answer to question No. 409 asked in the Council on the 25th August 1925, has been received, and if so, whether the Government will be pleased to place it on the table;

(b) what action has been taken so far by the Engineering department in acceding to the request of the mirasidars of Jambovanodai and Thillai-vilagom nattams in the matter of digging out irrigation and drainage channels; and

(c) if no action has been taken, the reasons therefor?

A.—A report has been received by the Chief Engineer dealing with the whole question of improvements to the drainage of Tirutturaipundi taluk in connexion with the recommendations of the Cauvery Committee. The Superintending Engineer proposes first to take up the middle part of the taluk, as considerable relief

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has already been obtained for the eastern section owing to the new straight cut from the Harischandranadhi to the sea; and the western section is largely affected by the upland drainage from the Pamaniar which will be diverted into the Coleroon when the works proposed by the Cauvery Committee for that purpose are taken up. The Superintending Engineer's proposals for the middle section of the taluk are now under the consideration of the Chief Engineer and have not yet been sent up to Government. When they are received the Government will consider the question of publishing the report.

Tank of Kamalapur, Hospet taluk.

* 1093 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state—

- (a) the number of feet of water that the tank of Kamalapur, Hospet taluk, Bellary district, is expected to contain when it receives its full supply ;
- (b) the average number of feet of water shown by the readings of the tank in the months of June to October respectively ;
- (c) the number of sluices to the tank and the heights at which they are respectively situated ; and
- (d) the number of feet up to which the tank is silted up ?

A.—The information is not available, but will be called for.

Water for double crops in Bellary district.

* 1094 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state if orders have been passed dispensing with the applications for water for double crops on single-crop wet lands in the Bellary district and, if not, when they are likely to be passed ?

A.—Orders have been issued dispensing with applications for permission to irrigate a dufasal or a second crop on single-crop wet land.

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, may I know if these orders have application only to the Bellary district or have a general application ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The order was with reference to the Bellary district. It was passed in November.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether similar orders have been passed in the case of other districts ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ Notice, Sir.”

The Tank Restoration Party.

* 1095 Q.—Mr. V. C. VELLINGIRI GOUNDER : Will the hon. the Law Member be pleased to state—

- (a) when the Tank Restoration party was first appointed ;
- (b) whether the party is still working ;
- (c) if so, how long the work of the party will continue ;
- (d) what is the yearly expenditure from the beginning on account of the party ;

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(e) whether he will be pleased to lay on the table of the House a full report of the working of the party till now, or until its last report ; and
(f) who is the controlling authority to scrutinize its report ?

A.—(a) The hon. Member will find details of the history and progress of the Tank Restoration Scheme in G.O. No. 572 I., dated 13th December 1912, which was placed on the Editors' Table. The scheme originated in 1883.

(b) Six subdivisions are now working.

(c) No date can be given—progress in dealing with the general programme for the Presidency varies with the establishment sanctioned from time to time.

(d) Figures are not available. At present each of the six subdivisions costs about Rs. 700 per mensem.

(e) There is no such report. The Tank Restoration Scheme operations each year are reviewed in the Irrigation Administration report and the hon. Member will find information up to 1912 in the Government Order already quoted.

(f) The Chief Engineer for Irrigation is the controlling authority under Government.

Estimates, etc., of the Bellary West Canal, Upper Bhavani and Lower Bhavani Irrigation projects.

* 1096 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Law Member be pleased to state—

(a) whether estimates have been prepared for the Bellary West Canal, Upper Bhavani and Lower Bhavani Irrigation projects and, if so, whether the Government have any objection to place them on the table of the Council ;

(b) what the total cost is under each of the estimates ;

(c) which officer prepared each of these estimates, what is his service in the department and what experience he has got in preparing estimates for irrigation projects ;

(d) whether there is any correspondence regarding these projects between this Government and the Government of India ;

(e) whether the estimates have been approved by the Chief Engineer, Public Works Department, and the Chief Engineer for Irrigation and whether they have been sent up to the Government of India for administrative approval ;

(f) whether estimates were once before prepared for the Upper Bhavani and Lower Bhavani projects about 15 years ago and, if so, whether the Government have any objection to lay them on the table of this House ;

(g) whether it was then considered that both the Upper Bhavani and Lower Bhavani projects could be worked up and, if so, whether any difference of opinion is held by the authorities at present ; and

(h) whether it is a fact that the whole or portion of Bellary West Canal area is included in the area that will be submerged when the Tungabhadra project is carried out and, if so, whether this Government considered that point before sending up the proposal to the Government of India ?

A.—The hon. Member is referred to the answer to question No. 974.

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Judicial and Executive Functions.*Separation of Judicial and Executive functions.*

* 1097 Q.—Sriman SASIBHUSHAN RATH Mahasayo : Will the hon. the Law Member be pleased to state whether any instructions have been received from, or orders given by, the Government of India or the Secretary of State regarding the separation of Judicial and Executive functions ?

A.—The answer is in the negative.

Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know from the hon. the Law Member whether this Government have addressed any communication on the subject of the separation of the judicial and executive functions after the last discussion on this subject ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ Yes, Sir.”

Diwan Bahadur M. KRISHNAN NAYAR :—“ May I know if there is any objection to give the substance of the communication ? ”

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a.m.

The hon. Sir C. P. RAMASWAMI AYYAR :—“ So far as I remember, the substance of the communication is that the Government of India will very shortly consider the matter and circularise the local Governments. They proposed to do so in October or November.”

The RAJA OF RAMNAD :—“ May I know if the local Government has supported the proposal of the Legislative Council regarding the separation of judicial and executive functions ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I am not in a position to give the details of the communication of this Government to the Government of India.”

Mr. S. SATYAMURTI :—“ October or November of what year, Sir ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ 1925, Sir.”

Mr. S. SATYAMURTI :—“ Will the hon. the Law Member communicate to the Government of India that October and November 1925 have now passed, and that the local Government have not received the promised circular, Sir ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The first fact is well known to the Government of India, and the second matter will be communicated to them.”

Mr. J. A. SALDANHA :—“ We do not want to know the details of the communication of this Government to the Government of India on the subject, but we want to know whether the Government is in sympathy with or has supported the resolution of this House.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I am afraid this cross-examination is very dexterous.”

Mr. S. SATYAMURTI :—“ May I ask if the local Government has expressed any opinion or has simply acted as a post office ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ This Government have expressed their opinion.”

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Police.

Murder of a family in Bhimavaram taluk.

* 1098 Q.—Sriman SASIBHUSHAN RATH Mahasayo. With reference to answer to question No. 434, dated 27th August 1925, will the hon. the Law Member be pleased to state whether the report has been called for and received in the matter of the murder of a whole family in Bhimavaram taluk (West Godavari) ?

A.—Yes. The facts are briefly as follows:—

Soon after the murder, which was committed on the 9th November 1923, a Sub-Inspector of Police proceeded to Madras in search of the person suspected of the crime. A party then went after him as far as Vizianagram and Vizagapatam and confidential inquiries were made in the Vizagapatam and East Godavari districts to trace the antecedents of the man suspected of the crime. A descriptive roll of the person with details has been published in the *Criminal Intelligence Gazette* and in the list of persons absconding for whose arrest warrants have been issued. His family property is worth about Rs. one lakh in land and Rs. one lakh in movable property. The land, of which he and his minor son are joint-owners, has been attached, but not yet sold. The question of selling his interest in the property is engaging the attention of the local authorities and the procedure to be followed has not been finally decided on.

Riot in Hadagalli taluk.

* 1099 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Law Member be pleased to state—

(a) whether he is aware of any recent riot in Hadagalli taluk of Bellary district ;

(b) whether the police fired on the crowd ; and

(c) under what circumstances the firing took place and with what casualties and result ?

A.—The attention of the hon. Member is invited to G.O. No. 1090, Public, dated the 11th November 1925, which has been placed on the Editors' Table.

Mr. A. RANGANATHA MUDALIYAR :—" Will the Government appoint a committee to go into the matter and find out how far the riots can be avoided ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The hon. Member from Bellary Mr. Siva Rao, I think, has been in communication with the Government with reference to another aspect of the question. The hon. Member who spoke last has got a certain idea. If at any stage the parties come close enough together to think of any adjustments, it is all right. But if as a matter of fact the parties are at the stage when they are still assailing each other, I do not think any committee will do any good."

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Selection of Police Sub-Inspectors in North Arcot district.

* 1100 Q.—Mr. R. VEERIAN : Will the hon. the Law Member be pleased to state—

(a) how many Adi-Dravida candidates applied for selection as Police Sub-Inspectors in the North Arcot district in 1925 ; and

(b) whether anybody was selected and if not, why ?

A—(a) Two But only one appeared before the Superintendent of Police

(b) No. He was not selected as his chest measurement was less than the minimum prescribed and he was not, in the opinion of the selecting officer, suitable for the Police department.

Mr. R. VEERIAN :—“ With reference to clause (b) may I know whether the candidate had any disqualification apart from those mentioned in the answer ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The report is that he had not had the chest measurement necessary for the department and was not, in the opinion of the selecting officer, suitable for the Police department.”

Mr. R. VEERIAN :—“ May I know who is the selecting officer, whether it is the District Superintendent of Police, the Deputy Inspector-General or the Inspector-General ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ It is the Deputy Inspector-General of Police.”

Mr. R. VEERIAN :—“ Who is the appointing authority, Sir ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The Deputy Inspector-General, Sir.”

Mr. R. VEERIAN :—“ In the answer it is stated that he was not selected as his chest measurement was less than the minimum prescribed. May I know by how many inches it was less ? ” (Laughter.)

Public Works.*Appointment of Chief Engineers for Irrigation, and for Roads and Buildings.*

* 1101 Q.—Mr. C. V. VENKATARAMANA AYYANGAR. Will the hon. the Law Member be pleased to state whether the Government have any intention of continuing the two present appointments of Chief Engineer for Irrigation and for Buildings and Communications or whether they have any intention of amalgamating the two appointments into one ?

A.—The present intention of the Government is to continue the two posts of Chief Engineer for Irrigation and for Roads and Buildings.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ In view of the answer to this question, may I know whether the Government are considering the matter or they have passed final orders ? I am asking the hon. the Minister for Education.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ I have nothing to add to the answer already given.”

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Mr. C. V. VENKATARAMANA AYYANGAR :—“ I want to know whether the Government have once for all disposed of the matter or whether it is under consideration. I want to know this information because the hon. the Minister, in answer to a previous question of mine, was pleased to say that the matter is under the consideration, the very deep and careful consideration of the Government? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ The present intention is to continue the two posts.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ That is there in the printed answer. My question is whether the matter is under consideration. Of course if the hon. Minister wants notice I have no objection. I think that after the answer was sent to the Council Office, the matter must have come to his notice. Although the answer seems to have been given by the hon. the Law Member, I think so far as the appointments in the department are concerned they are in his hands and therefore I want to know from him whether the matter is under consideration at all.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ When the present intention is altered then the matter will come up for consideration.”

The RAJA OF RAMNAD :—“ At the time of the appointment of the Public Works Department Secretary it was stated that one of the posts of Chief Engineers would be abolished, but we now see that there seems to be no such intention; because in answer to a question (No. 1103) further down it is stated that it is proposed to provide for a permanent Secretary. May I know what the reasons are for this change? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ I do not remember any announcement made to the effect that one of the Chief Engineers' posts would be abolished.”

The RAJA OF RAMNAD :—“ May I know if that was not the intention of the hon. Minister at that time? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ Yes, that was so; but after investigation it was found that there is work for these two Chief Engineers and the present intention is to continue to have them.”

Powers of the Chief Engineers.

* 1102 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member and the hon. the Minister for Education be pleased to state whether the Government have delegated many of their powers including the power of sanctioning works up to three lakhs of rupees to the Chief Engineers?

A.—The following powers have been delegated to the Chief Engineers :—

Chief Engineer (Roads and Buildings).

	Money limit.
	RS.
(1) Administrative approval to works—	
Improvements to residential buildings and	
electrical works thereto	500
Non-residential buildings	10,000
Electrical works to non-residential buildings	1,000
(2) Technical sanction to estimate	5 lakhs.

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RS

Chief Engineer (Irrigation)

- (1) Administrative approval to works—
 Works for which capital and revenue accounts are kept—Extensions and improvements—and works for which capital and revenue accounts are not kept—
 Original works 25,000
 Contribution works and special repairs ... Full powers.
 (2) Technical sanction to estimates ... Do.

Both Chief Engineers

Power to pass excess over estimates—

- (a) Five per cent of the amounts of original estimates provided the total amount of excess is within the limit of powers to sanction estimates technically.
 (b) Excess expenditure up to Rs. 1,000 on all works irrespective of the total of the sanctioned estimates.

Senior Chief Engineer.

Establishments—

- (a) To post and transfer subdivisional officers who are officers of the Madras Engineering Service.
 (b) To promote supervisors to the rank of Assistant Engineer for temporary vacancies.

The Chief Engineers have also been authorized to deal in the first instance with audit inspection reports referring to Government special points on which general orders are required or which the Audit Officer requires to be referred to Government or in which the punishment of officers is involved.

Appointment of a Secretary for Public Works and Irrigation Departments.

* 1103 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that all papers connected with technical matters are prepared in the Public Works Department offices and whether administrative orders alone are passed by the Government;

(b) whether a new appointment of a Secretary has been recently made to deal with the administrative matters alone in the Public Works and Irrigation departments, whether the appointment is of a permanent or temporary nature and whether the appointment has been included in the schedule of appointments reserved for Indian Civil Service officers; and

(c) whether the Government have taken into consideration the desirability of asking the old Secretariat establishments to do this work also?

A.—(a) Technical matters are dealt with first in the Chief Engineers' offices and Government pass orders where necessary on the advice of the Chief Engineers.

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(b) The new Secretary deals with the work that was formerly done by the Chief Engineers in their capacity as Secretaries to Government. The appointment is at present temporary, but application has been made to the Secretary of State for the addition of one more appointment in the superior time scale of the I.C.S. cadre in the grade of Collector.

(c) Yes.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know if any sanction has been received since the answer was sent to the Secretary to the Council ?"

The RAJA OF RAMNAD :—" May I know if there is any proposal to have a deputy secretary also to this Secretary ? I am informed that there is a proposal to appoint a deputy secretary also. I should like to know whether it is true."

Appointments.

Selection of candidates by the Staff Selection Board.

* 1104 Q.—Diwan Bahadur P. C. ETHIRAJULU NAYUDU : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Secretary of the Staff Selection Board called for the S.S.L.C. certificate of an applicant who is a graduate of this University ;

(b) if so, the reasons why the certificate was called for when the applicant is a graduate ;

(c) whether it is a fact that applicants for the gazetted posts are required to produce medical certificates from an officer of the standing of a Civil Surgeon ;

(d) whether the Government are aware of the extreme difficulties experienced by the applicants in securing such certificates not to speak of the heavy expenditure incurred thereby ;

(e) whether the Government will be pleased to state the necessity for a certificate from a Civil Surgeon when the candidate was not even selected ; and

(f) whether the Government will be pleased to state whether they have considered the question of issuing instructions modifying this procedure and requiring medical certificates to be produced only after selection ?

A.—(a) & (b) No ; only a certified extract relating to date of birth was asked for.

(c) Yes ; for the appointment of Deputy Superintendent of Police.

(d) The Government are not aware that there is either extreme difficulty experienced or heavy expenditure incurred in getting such certificates.

(e) To prevent candidates who are *prima facie* physically unsuited for the service from applying for appointment and from being put in consequence to the trouble and expense of a journey to Madras to appear before the Staff Selection Board and, if selected, before the Medical Board.

(f) The Government have considered the question and have decided that the present procedure is on the whole the most satisfactory.

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Rao Bahadur C. NATESA MUDALIYAR :—“ With reference to the answer to clause (c), may I know what are the fees charged by Civil Surgeons for giving certificates ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I must ask for notice, Sir.”

Rao Bahadur C. NATESA MUDALIYAR :—“ Is it not a fact that they are charging Rs. 15 to Rs. 30 ? ”

The hon. Mr. N. E. MARJORIBANKS : “ I do not think so.”

Rao Bahadur C. NATESA MUDALIYAR :—“ May I know why the Government should insist upon having certificates only from civil surgeons and not from private medical practitioners, however experienced and however high their status may be ? ”

“ Are the Government aware, Sir, that there is a phobia against medical practitioners prevailing in Government circles ? ”

The hon. the PRESIDENT :—“ What is the phobia, please ” (Laughter.)

Rao Bahadur C. NATESA MUDALIYAR :—“ A phobia like the hydro-phobia ”

Deputy Collectors.

Necessity of Deputy Collectors' maintaining a horse.

* 1105 Q.—Mr. C. MUTTAYYA MUDALIYAR : Will the hon the Member for Revenue be pleased to state—

(a) whether it is compulsory that all deputy collectors should maintain a horse ;

(b) whether any special allowance is given for those who maintain a horse ;

(c) whether it is a fact that most of the deputy collectors do not maintain a horse at present ; and

(d) whether the Government takes any notice of those deputy collectors who fail to maintain a horse ?

A.—(a) Deputy Collectors are required to maintain a serviceable horse or a motor car or a motor bicycle.

(b) No.

(c) The Government have no return showing what each deputy collector maintains.

(d) Government will take notice of any failure to satisfy the rule referred to in clause (a) on such failures being brought to its knowledge.

Mr. C. MUTTAYYA MUDALIYAR :—“ Sir, the answer to clause (a) of this question is that deputy collectors are required to maintain a serviceable horse or a motor car or a motor bicycle. If the choice is given to them, may I know why the deputy collectors are required to undergo riding tests ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ In the hope that they will choose a horse, Sir.”

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Mr. C. MUTTAYYA MUDALIYAR :—“ As in these days of motor cars and motor cycles these officers do not maintain horses at all, will the Government be pleased to consider the desirability of abolishing this riding test which involves waste of time and money of the Government ? ”

The hon Mr. N. E. MARJORIBANKS :—“ I do not admit the premise and therefore do not accept the conclusion.”

Indian Civil Service.

Superior Civil Service in this province

* 1106 Q.—**Mr. A. RANGANATHA MUDALIYAR** : Will the hon the Member for Revenue be pleased to state —

(a) the number of posts in the Superior Civil Service (i) abolished and (ii) newly created since the introduction of the reforms in this province ;

(b) the present strength of the superior civil service in this province ;

(c) whether the recommendations of the Aitchison Commission to list at least 16 per cent of the superior posts for the provincial civil servants have been carried out and, if not, the period that has elapsed since that recommendation was made and the reasons for not giving effect to it during all these years ;

(d) the total number of listed posts and its percentage to the total number of Superior Civil Service posts ; and

(e) whether orders have been received on the report of the Lee Commission recommending that 20 per cent of the posts of the Superior Civil Service should be recruited by promotion from among the officers of Provincial Civil Service, and if so, what they are ?

A.—Assuming that the hon. Member refers to the Indian Civil Service, the answers to his questions are as below. —

(a) The number of superior posts in the Indian Civil Service in the Madras Presidency

(i) abolished since the introduction of the Reforms is 6

(ii) newly created since the introduction of the Reforms is 10

(b) The number of superior posts in the Indian Civil Service in the Madras Presidency is now 95.

(c) The Aitchison Commission reported in December 1887 ; their recommendations were considered by the Secretary of State and his orders regarding the listing of the superior posts in the Indian Civil Service have been carried out.

(d) The total number of listed posts is 13, including one District Judgeship on account of the District Judge of East Tanjore whose appointment has not yet been made permanent ; the percentage of listed posts to the number of superior permanent posts is 14

(e) Final orders have not yet been received.

Mr. A. RANGANATHA MUDALIYAR :—“ May I know what the orders of the Secretary of State were on the recommendation of the Aitchison Commission that at least 16 per cent of the superior posts should be listed ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ I must ask for notice.”

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Mr. J. A. SALDANHA :—“ With reference to clause (e), may I enquire when the Government expects orders if they expect any orders at all ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ We do expect orders, Sir, but we cannot say when.

Land Revenue.

Assignment of lands to ex-service men.

* 1107 Q.—**Rao Sahib R. SRINIVASAN** : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that in Illupur village, No. 247 of Tiruvallur taluk, Chingleput district, a depressed class man named Periamurugan was permitted in 1920 by the Tahsildar of Tiruvallur to cultivate land, Revenue S Nos 6, 1 and 7, on certain conditions as per his memorandum No. 1850, dated 30th October 1920, without being told that the land would be assigned to ex-service men ;

(b) whether after he had cultivated the land for five years, he was informed on the 14th July 1924 by the Tahsildar's memorandum No. L D S. 533/24, Petition, that the land has been reserved for ex-service men ;

(c) whether assignments to caste ryots or ex-service men of lands already broken and brought under cultivation by the depressed classes are common ; and

(d) whether the Government propose to issue orders to the officers concerned to discontinue such a practice ?

A.—(a) & (b) No such case has been represented or reported to Government.

(c) The Government are not aware that this is the case.

(d) Please see answer to clause (c). General instructions are however in force to the effect that a sivaikamadar who has improved the land occupied by him should, if there is no other objection, be given the option of taking it on patta before it is reserved for assignment to others.

Assignment of lands to caste ryots in Ongole taluk.

* 1108 Q.—**Mr. R. VEFRIAN** : Will the hon. the Member for Revenue be pleased to state—

(a) whether on or about the middle of August the Government received a petition submitted by the President of the Depressed Class People's Committee, Bapatla, Guntur district, complaining of the orders passed by the Collector of Guntur assigning about 500 acres of dry lands to five rich non-resident caste ryots ;

(b) whether the land had been promised to members of the depressed classes by previous Collectors on condition of their constructing at their own cost a tank to irrigate the said lands ;

(c) whether it is a fact that the Sub-Collector of Ongole ordered the President to deposit a sum of Rs. 2,000 as a guarantee to start the construction of a tank and whether subsequently the Sub-Collector said on 5th August 1925 at his camp at Ongole that orders have been passed by the Collector to hand over the said plot of 500 acres to the caste ryots of the adjacent villages and to reserve only 50 acres for free distribution among the depressed classes free ;

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(d) whether the remaining portion, about 450 acres, has already been assigned to the rich caste ryots; and

(e) if so, the names of those caste ryots for whom the lands were assigned or are to be assigned together with the extent of patta lands they were holding previous to this assignment?

A.—(a) Yes.

(b) to (e) The allegations made are under enquiry by the Board of Revenue in consultation with the Commissioner of Labour.

Revenue Establishments.

Increments to unpassed men.

* 1109 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state

(a) whether the Government are aware that Collectors have held that cases of 'unpassed' clerks deserving of grant of increments of pay should be taken to their notice only when the Collectors personally inspect an office;

(b) whether the Collector of North Arcot, in his Circular D. Dis. No. 4163-24, dated 21st May 1925, has stated that cases of 'unpassed' men deserving of grant of exemptions to enable them to get increments, should be brought to his notice only at the time when he inspects an office;

(c) whether Government are aware that Collectors do not generally find it possible to inspect such offices except rarely and at long intervals;

(d) whether Government are aware that 'unpassed' men though deserving of increments are kept in a state of suspense for long periods of time pending the personal inspection of their office by the Collector; and

(e) whether Government contemplate fixing a date within which such 'unpassed' men could be tested as to their ability to put up written drafts and their claim for increments of pay can be decided once for all?

A.—(a) No.

(b) The Government are not aware of such a circular.

(c) No.

(d) No.

(e) No.

MR. T. ADINARAYANA CHETTIYAR: "With regard to clause (b), how is it that when the date, the number and other particulars of the circular are given, the Government say that they are not aware of it? Is it not possible for them to ascertain and get a copy of the circular?"

THE HON. MR. N. E. MARJORIBANKS:—"The hon. Member may be aware of it, but it does not follow that the Government are aware of it."

MR. T. ADINARAYANA CHETTIYAR:—"The question was sent on the 2nd October and as such I thought the Government had ample time to send for the circular."

THE HON. MR. N. E. MARJORIBANKS:—"Certainly, but they did not think it necessary to do so."

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MR. J. A. SALDANHA :—"It is for this House to know whether there has been such a circular or not. It is not for an individual member. Will the Government be pleased to get a copy of it?"

The hon. Mr. N. E. MARJORIBANKS :—"I am sorry I cannot oblige the hon. Member, Sir."

Refund of salary by unpassed men in Government service.

* 1110 Q.—**MR. J. A. SALDANHA** : Will the hon. the Member for Revenue be pleased to state with reference to his answer to question No. 186 put at the meeting of the Council held on 20th August 1925—

(a) what was the amount of excess pay received by unpassed men in the years 1923-24 against any orders of Government;

(b) what amount the men were made to refund; and

(c) what justification Government have for ordering a refund of salary paid under orders of several Collectors?

A.—(a) & (b) The figures asked for have not been collected nor is it proposed to collect them.

(c) A Collector has not the power to sanction a rate of pay higher than that admissible under the terms of the Public Service notification.

MR. J. A. SALDANHA :—"Is it not a fact that the Collectors passed orders on the only clear interpretation of the terms of the so-called Public Service Notification?"

The hon. Mr. N. E. MARJORIBANKS :—"No, Sir."

MR. J. A. SALDANHA :—"Was not their view supported by the Accountant-General himself?"

The hon. Mr. N. E. MARJORIBANKS :—"Not that I am aware of, Sir."

MR. C. V. VENKATARAMANA AYYANGAR :—"May I know if the Collectors have not been given the power to exempt in these cases?"

The hon. Mr. N. E. MARJORIBANKS :—"I believe so, Sir."

MR. C. V. VENKATARAMANA AYYANGAR :—"If the Collectors have got the power of exempting them, cannot the Government give them power to give retrospective effect to their orders?"

The hon. Mr. N. E. MARJORIBANKS :—"No, Sir."

MR. J. A. SALDANHA :—"As this act of ordering the refund of small excess salaries drawn under the orders of the Collectors is considered an inhuman act not practised by even despotic Governments, will the hon. Member be pleased to collect the figures and place them before the House?"

The hon. Mr. N. E. MARJORIBANKS :—"I do not admit the premise, Sir."

MR. C. V. VENKATARAMANA AYYANGAR :—"Will the Government cancel the order of refund at least in the case of deserving men, Sir?"

The hon. Mr. N. E. MARJORIBANKS :—"As a matter of fact the matter is being looked into."

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Depressed Classes.

Scholarships to depressed classes

* 1111 Q.—Mr. R. VEERIAN. Will the hon. the Home Member be pleased to state—

(a) the number of scholarships awarded in each district for the year 1925–26 to the pupils of the depressed classes reading in various secondary schools, colleges, high schools or elementary schools in the Presidency, especially in the following districts by the Commissioner of Labour :—

(1) Nilgiri district, (2) North Arcot district, (3) Chittoor district, (4) Cuddapah district, (5) Bellary district, (6) Vizagapatam district, (7) Ganjam district; and

(b) if the Government have no information, whether they will be pleased to call for the information?

A.—(a) The attention of the hon. Member is invited to the notifications published by the Commissioner of Labour at pages 342 to 346 and 435 to 439 of Part I-B of the *Fort St. George Gazette*, dated the 8th September 1925 and 10th November 1925, respectively. The notifications give lists of pupils to whom scholarships were granted or renewed during 1925–26.

(b) Does not arise.

Mr. R. VEERIAN :—“ In the Gazette referred to in the answer I find that in the whole of the Bellary district scholarship was given to only one candidate and that in the whole of the Chittoor district to only two candidates. May I know whether applications were received from these selected candidates only? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I want notice of the question, Sir.”

Mr. R. VEERIAN :—“ May I know if there is any age restriction in awarding scholarships? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ Notice, Sir.”

Elevation of depressed classes.

* 1112 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state with reference to his answer to question No. 198 put at the meeting of the Legislative Council held on 20th August 1925 what steps the Government have taken on the point raised in clause (c) of the question, that is, whether Government have under consideration any scheme for carrying out the work of the elevation of the depressed classes by means of committees of volunteer workers, etc.?

A.—The Government find some difficulty in understanding what exactly the hon. Member has in mind. It is their accepted policy to assist associations of voluntary workers who are engaged in the work of improving the condition of members of the depressed classes. Such associations as Social Service Leagues, Depressed Classes Missions, etc., are now aided by the Government.

If the hon. Member will be good enough to prepare a memorandum embodying his ideas and send it to Government it will be examined.

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a.m. Mr. R. VEERIAN :—" With reference to the answer given to this question may I know whether the Government have taken any steps to improve the social and economic condition of the so-called depressed classes ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Certainly, Sir."

Mr. R. VEERIAN :—" Sir, in the South Arcot as well as other districts, I find that the members of the depressed classes are forced to remove dead animals which they decline to do so owing to social degradation. May I know what steps the Government are going to take on the representations made to me very recently ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I do not know what representations have been made to the hon. Member."

Forests.

Extension of forest panchayat system in South Arcot district.

* 1113 Q.—Mr. R. SRINIVASA AYYANGAR : Will the hon. the Home Member be pleased to state—

(a) the number of forest panchayats established at present in the South Arcot district ;

(b) the steps taken or proposed to be taken for the extension of the forest panchayat system in that district ; and

(c) what action, if any, has been taken for the appointment of a Committee in South Arcot district to investigate into the grievances of ryots in respect of forest reserves adjoining villages to carry out a resolution of this House passed at a meeting held on the 6th February 1923 ?

A.—(a) Twenty-seven.

(b) At present one Panchayat Inspector is in charge of both the Chingleput and South Arcot districts. A Special Deputy Tahsildar will in addition be posted during the current year for work in the South Arcot district.

(c) The hon. Member's attention is invited to G.Os. Nos. 742, Development, dated 23rd May 1923, and 110, Development, dated 17th January 1924, placed on the Editors' Table. The question of appointing a Committee will be considered if specific grievances are brought to the notice of the Government.

Mr. R. SRINIVASA AYYANGAR :—" With reference to the answer given in clause (b) of this question, may I know the period for which this Deputy Tahsildar has been appointed, and whether the post will be permanent or temporary ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I want notice of the question."

Working of the Papanasam forests for timber extraction.

* 1114 Q.—Mr. V. O. VELLINGIRI GOUNDER : Will the hon. the Home Member be pleased to state—

(a) whether Government have received petitions or memorials objecting to the working of the Papanasam forests in Thanjavely for timber extraction ;

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- (b) how far at present the work of the above scheme has begun ;
- (c) whether any market has been found, or what arrangements have been made for marketing the timber ;
- (d) what is the estimated yearly income and expenditure by this scheme ; and
- (e) whether the Government will be pleased to lay a copy of the final report of the scheme showing its financial and other aspects in detail ?

A.—(a) Yes.

(b), (c), (d) & (e) The question of exploiting the Papanasam Forests is under the consideration of the Forest Department, but no final report has been received by the Government.

Mr. V. C. VELLINGIRI GOUNDER :—“ With reference to the answer given in clause (a) of this question, may I know what steps the Government have taken on the memorial submitted to them by the ryots ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I do not know what memorial the hon. Member means.”

Mr. V. C. VELLINGIRI GOUNDER :—“ The Government have accepted in the answer given in clause (a) that they have received a memorial.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ The answer has been given that it is under consideration.”

Mr. V. C. VELLINGIRI GOUNDER :—“ No. That answer is not with reference to the memorial but in regard to clauses (b), (c), (d) and (e) of this question.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I may say that the memorials are under consideration.”

Mr. S. SATYAMURTI :—“ In view of the very strong feeling in the district against carrying on the work of exploitation in the Papanasam forests which it is believed will seriously affect the rainfall in the district adversely, will the hon. the Home Member be good enough to consider the advisability of stopping this exploitation work itself or any steps that are being taken towards carrying on that work, pending the consideration of the report from the Forest Department ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I am sorry I cannot agree to the hon. Member's suggestion.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, there is a proposal to start an electrification scheme in connexion with this exploitation scheme. I want to know whether this timber extraction scheme has been considered along with that scheme.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I want notice of the question.”

Mr. S. SATYAMURTI :—“ Arising out of the answer given by the hon. the Home Member to my last question, may I ask the reasons why they do not propose to suspend the scheme for the present till they have considered the whole scheme from the point of view of the memorialists ? I submit this is a matter which will affect the whole district and the opinion there is unanimous that any steps that may be taken for the carrying on of this scheme should be stopped.”

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The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"As I said, the whole question is under consideration. I do not think I can take any steps to suspend the scheme."

Mr. S. SATYAMURTI.—"May I suggest that the exploitation scheme or the steps that have been or are proposed to be taken for the carrying out of that scheme should be suspended by the Government, so that the consideration of the question referred to by the hon. the Home Member may be of real benefit to the district?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I shall look into the question and consider the suggestion made by the hon. Member."

Mr V. C. VELLINGIRI GOUNDER.—"Is there any special staff employed for this purpose?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"A special staff has been employed for preparing the scheme."

Mr V. C. VELLINGIRI GOUNDER :—"May I know whether the Government will be pleased to make enquiries in the matter and consult the local people and hear their grievances before they come to any conclusion?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I shall remember the request made by the hon. Member."

Government Presses.

The District Press, Ganjam.

* 1115 Q.—Sriman SASIBHUSHAN RATH Mahasayo. Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the cost of printing 1,000 impressions is about Rs. 10 per page in the District Press, Ganjam;

(b) whether the average charge of printing 1,000 impressions is Rs. 2-2-0 in the Government Press;

(c) what is the cause of difference in cost;

(d) why Government maintain a District Press in Ganjam while no other district has a Government Press;

(e) whether private printers in Ganjam are willing and ready to print at one rupee a page and at Rs. 2 for 1,000 impressions; and

(f) what is the total loss to Government per year in keeping the District Press in Ganjam for the last three years?

A.—(a) The average cost of 1,000 impressions was about Rs. 10 during 1924-25.

(b) The average of the cost in the Central Press and the Mount Road Branch Press was Rs. 2-2-0.

(c) The small outturn of work.

(d) The hon. Member is referred to the reply given to question No. 204 asked by him at the meeting of the Legislative Council held on 2nd August 1921.

(e) The Government have no information. It has been reported that there is no private press in Ganjam capable of dealing with the work promptly and efficiently.

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(f) The retention of the Press being necessary, the question of loss does not arise.

Srinan SASIBHUSHAN RATH Mahasayo :—“ The answer given in clause (e) is ‘ The Government have no information. It has been reported that there is no private press in Ganjam capable of dealing with the work promptly and efficiently.’ May I know when that report was received and from whom ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I think Government have received a report to that effect from the district authorities.”

Labour.

Appointment of Members of the Legislative Council as honorary District Labour Officers.

* 1116 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state how many Members of the Legislative Council have sought the posts of honorary District Labour Officers and how many have been so appointed ?

A—None. One Member of the Council has been appointed Honorary Labour Officer.

Mr. J. A. SALDANHA :—“ With reference to the answer given to this question, may I know whether the Government contemplate bestowing the appointment of honorary District Labour Officer upon any other Member of the Legislative Council ? ”

The hon. the PRESIDENT :—“ That question does not arise.”

Mr. J. A. SALDANHA :—“ I want to know whether such an appointment is consistent and constitutional in the case of a Member of the Legislative Council ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I think it is.”

Local Boards and Municipal Councils.

Suspension of the Headmaster, Narasaraopet High School, by the Chairman.

* 1117 Q.—Mr. C. RAMALINGA REDDI : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Government are aware that the relations between the Chairman of Narasaraopet and the Headmaster of the High School in that locality have been for a long time strained ;

(b) whether the Chairman has taken a series of disciplinary measures against the headmaster culminating in his suspension for six months ;

(c) whether this trouble is due to factious spirit in the municipality or to any mismanagement on the part of the headmaster ; and

(d) whether in the circumstances of the cases, the Government consider it advisable to order a departmental inquiry into the treatment given to the headmaster by the Chairman and to cause all the papers bearing on this subject to be published ?

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A.—(a) & (b) A memorial recently received from the headmaster direct indicates that this is the case.

(c) & (d) The headmaster has a right of appeal to Government from the decision of the Standing Committee of the Municipal Council to which the first appeal lies. The Government will consider the case if a second appeal is made to them.

Bifurcation of the Tindivanam Taluk Board.

* 1118 Q.—Mr R. SRINIVASA AYYANGAR : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is intended to bifurcate the Tindivanam taluk board which comprises three revenue taluks; and

(b) whether the said taluk board had not expressed itself in favour of bifurcation in the pre-reform days ?

A.—(a) The answer is in the negative.

(b) In September 1918, the taluk board recommended that the area under it might be divided into two local fund taluks provided that non-official presidents were appointed to the new taluk boards. The District Board of South Arcot held, however, a contrary view.

Mr. R. SRINIVASA AYYANGAR —“In view of the fact that the taluk boards of Cuddalore, Chidambaram and Vriddhachalam have got only one revenue taluk each, may I ask the hon. Minister in charge to state in detail the reasons as to why it is not intended to bifurcate the Tindivanam taluk board notwithstanding the fact that that taluk board consists of three revenue taluks ? ”

The hon. the RAJA OF PANAGAL :—“The reason is that the District Board of South Arcot was against this bifurcation.”

Mr. R. SRINIVASA AYYANGAR :—“Arising out of that answer, may I say that the District Board of South Arcot was against this bifurcation so early as September 1918 ? Since then much water has flowed under the bridge. In view of the fact we are now in the post-Reform days and that opinion was expressed in the pre-Reform days, may I ask the hon. Minister in charge whether he will consider the desirability of reopening this question ? ”

The hon. the RAJA OF PANAGAL :—“If the district board expresses its opinion in favour of a change, then the matter will be considered.”

Mr. R. SRINIVASA AYYANGAR :—“Am I to understand then that this question of bifurcation is regarded as a settled fact ? ”

The hon. the RAJA OF PANAGAL :—“Yes.”

Mr. R. SRINIVASA AYYANGAR :—“The Government are not prepared to take the initiative in the matter ? ”

The hon. the RAJA OF PANAGAL :—“The convention is that the boards be consulted and after they have expressed their opinion the Government will consider the question.”

Mr. R. SRINIVASA AYYANGAR :—“Consulted by whom, by the Government or by the taluk board ? ”

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The hon. the RAJA OF PANAGAL:—"When such questions come up before the Government they generally consult the district and taluk boards concerned "

Mr. R. SRINIVASA AYYANGAR :—"How do they expect this matter to come up to the Government in the first instance? "

Medical.

Malaria in Agency tracts.

* 1119 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU . Will the hon. the Minister for Local Self-Government and the hon. the Member for Revenue be pleased to state—

(a) the steps that are being taken to combat malaria in the Agency tracts;

(b) whether any funds are being allotted for carrying out anti-malaria operations in the Agency; and

(c) the amount spent from the funds of the District Board of Koraput and from the provincial funds during the last three years?

A.—(a) & (b) The question of employing an establishment consisting of one civil assistant surgeon, one maistri and six lascars to investigate the causes of malaria in the Vizagapatam Agency is under the consideration of the Government. The Director of Public Health has also recommended that two parties, each consisting of one maistri and six lascars under the supervision of a sub-assistant surgeon trained in anti-malarial work, should be employed to carry out certain urgent anti-malarial works in the Polavaram and Vizagapatam Agencies. The question of allotting funds for these two schemes in 1926-27 is now being considered.

(a) & (c) There is no District Board at Koraput. The hon. Member apparently refers to the Vizagapatam Agency District Board. The expenditure incurred on anti-malarial measures by the Agency District Board and the Koraput Taluk Board during the three years ending with 1924-25 is given below :—

Year.	Agency District Board, Vizagapatam			Koraput Taluk Board.
	RS.			RS.
1922-23	...	...	5,952	Nil.
1923-24	...	...	9,087	499
1924-25	...	...	4,745	Nil.

As to the expenditure from Provincial funds, a sum of Rs. 9,000 was distributed in 1922-23 among the six sub-divisional officers in the Agency tracts for the purpose of anti-malarial operations. In 1923-24 a sum of Rs. 4,000 was distributed for the same purpose. No allotment was made for this purpose in 1924-25.

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Scholarships to depressed classes students in the Government Medical School, Madras.

* 1120 Q.—MR R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many scholarships are awarded in the Government medical school at Madras to students undergoing medical training in various grades;

(b) how many depressed classes students are getting scholarships with the full names of such students; and

(c) how many students belonging to backward communities are getting scholarships with the full names of such students?

A.—(a) No scholarships are awarded in the Government Medical Schools but Government grant stipends. In the Lady Willingdon Medical School for Women, Madras, a maximum number of 25 stipends have been sanctioned for award every year. Indian Military pupils undergoing training in the Rayapuram Medical School are also given stipends by the Army Department, the number of stipends being fixed every year by the Director-General, Indian Medical Service. In addition five stipends are awarded every year by this Government in the Medical Schools at Rayapuram, Tanjore, Madura, Vizagapatam and Coimbatore to students belonging to the backward and depressed classes.

(b) & (c) A statement^a containing the information asked for is laid on the table.

MR. R. VEERIAN:—“Sir, I find from the appendix attached in answer to this question, that one Sundar Rao, a third year student reading in the Medical School, Tanjore, is put down under the category of depressed classes. I do not know whether he really belongs to the depressed class or to any other community, because I find that his community has been mentioned as Marati.”

The hon. the RAJA OF PANAGAL.—“There may be depressed classes among the Marati people also.”

MR. R. VEERIAN:—“As far as I know, there are not depressed classes among people who style themselves as ‘Rao’. Here it is very clearly stated as ‘Rao’.”

The hon. the RAJA OF PANAGAL:—“I am not quite sure that there are not backward communities among the Marati people.”

Public Health.*Water scarcity in rural parts.*

* 1121 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have any scheme on hand for ameliorating the condition of rural parts suffering from water scarcity at present?

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A.—A grant of Rs 6.25 lakhs has been sanctioned in the current year to enable local boards to improve the water-supply in rural areas. Schemes to improve the water-supply in the following non-municipal towns and villages are also under consideration :—

(1) Guntakal	water-supply.
(2) Rayadrug	„
(3) Chodavaram	„
(4) Devakottai	„
(5) Karaikudi	„
(6) Ranipet	„
(7) Yemmiganur	„
(8) Arkonam	„
(9) Gobichettipalaiyam	„
(10) Gudur	„
(11) Tiruvallur	„
(12) Kalahasti	„
(13) Tirukkalikunram	„

Mr. R. VEERIAN :—“ Several local boards are being asked to contribute a portion for sinking wells for the depressed classes. May I know whether the Government are aware that such a thing is happening in several places? If the depressed classes are in need of wells, the concerned local boards are asking them to contribute half of the amount. May I know if it is only on that condition this grant of 6.25 lakhs of rupees has been sanctioned to the local boards? ”

The hon. the RAJA OF PANAGAL :—“ Yes. The grant was made on condition that the local boards should contribute portions of the cost of the scheme. We have not however been strictly enforcing the condition.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether the original conditions under which grants were made to local boards will be liberalised now? Many of the taluk boards may not know that Government are charitable enough towards them, and therefore may I know whether any circulars were sent to them stating the conditions under which the grants would be made to them by Government? ”

The hon. the RAJA OF PANAGAL :—“ The Ceded districts have been allowed some concession in the matter, and also some other districts which are known to be poor.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether Coimbatore comes under this category? ”

Mr. R. VEERIAN :—“ May I know whether considering the poverty of the depressed classes, it is reasonable to ask them to contribute half of the amount for sinking wells? ”

The hon. the RAJA OF PANAGAL :—“ I am not aware of any such demand. I am told that a number of wells has been sunk in Adi-Dravida cherries without asking them to contribute half of the amount.”

Mr. R. VEERIAN :—“ May I know if specific instances are brought to the notice of the hon. Minister whether the hon. Minister will be pleased to make enquiries in the matter? ”

The hon. the RAJA OF PANAGAL :—“ Yes.”

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Mr. C. V. VENKATARAMANA AYYANGAR.—‘ May I ask the hon. Minister if certain portions of Salem and Coimbatore districts that have been suffering from famine come under the category of favoured districts ? ’

The hon. the RAJA OF PANAGAL.—“ I am not in a position to give an answer off-hand. If notice is given, I shall consider whether any portion of Coimbatore district has to be treated as a portion which deserves consideration.”

Health Inspectors under taluk boards.

* 1122 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are still Health Inspectors whose salaries are paid by, and who are subject to the control of, taluk boards and, if so, how many;

(b) whether the District Health officers have any control over the Health Inspectors referred to in (a);

(c) why all those Health Inspectors have not been brought under the provincial system;

(d) whether the Government have any intention of taking all of them under that system and if so, what will be the additional expenditure; and

(e) whether there is any difference in the qualifications and duties and in the remunerations between the two classes of Health Inspectors?

A.—(a) Yes. The number of Local Fund Health Inspectors employed during 1924–25 was 12

(b) No.

(c) & (d) The proposal to replace the Local Fund Health Inspectors by the appointment of Government Health Inspectors has been deferred on financial grounds. Even if additional Government Health Inspectors are sanctioned, it is not proposed to absorb the Local Fund Health Inspectors into the Government cadre as their work has not been generally satisfactory.

(e) The qualifications prescribed for Sanitary Inspectors under the control of local bodies and for Government Health Inspectors are shown in the appendix * to this answer. The duties of the two sets of officers differ in some cases. The pay of Local Fund Sanitary Inspectors is fixed by local bodies and depends on financial considerations.

Mr. C. V. VENKATARAMANA AYYANGAR :—“ With reference to the answer given in clauses (c) and (d) does the hon. the Minister think or is it the policy of the Government to consider that the work of these health inspectors is unsatisfactory because they are appointed by taluk boards? Will not the Government look into the matter in those cases where it is found that the work of the health inspectors appointed by the taluk boards is satisfactory.”

The hon. the RAJA OF PANAGAL.—“ From the information the Government have, they find that the work of the health inspectors appointed by the taluk boards is not satisfactory.”

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Mr. C. V. VENKATARAMANA AYYANGAR :—" Having that information, I ask whether the Government will be pleased to take steps to see that such unsatisfactory inspectors are not appointed by the boards and that more satisfactory persons are appointed by the Government themselves."

The hon. the RAJA OF PANAGAL :—" I think it is a matter for consideration by the local bodies concerned."

Town-planning.

Amendment of the Madras Town Planning Act.

* 1123 Q.—Mr. C. GOPALA MENON : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the working of the Madras Town Planning Act has revealed many defects which require rectification ;

(b) if so, whether the Government propose to introduce an amending Bill ; and

(c) whether they propose to introduce in such an amending measure a clause making it obligatory on the municipalities to undertake construction of houses for the poor ?

A.—(a) & (b) The Government propose to amend the Act.

(c) The answer is in the negative.

Mr. C. GOPALA MENON :—" With reference to the answer given to clauses (a) and (b), may I ask whether the Government propose to bring in an amending Bill before this Council is dissolved ? "

The hon. the RAJA OF PANAGAL :—" It will be introduced as early as possible, but I cannot say that it will be introduced in the next sitting of the Council."

Mr. C. GOPALA MENON :—" The answer given in clause (c) is ' the answer is in the negative '. Will the Government at least bring it to the notice of the municipalities the necessity of constructing houses for the poor and will the hon. the Minister be good enough to say whether any municipality has already undertaken the work of constructing houses for the poor ? "

The hon. the RAJA OF PANAGAL :—" There are certain municipalities which have undertaken the extension of towns, but I do not think it is the duty of the Government to ask them to take steps in the matter."

Education.

Deaf and dumb schools.

* 1124 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) whether there are any deaf, dumb and blind schools belonging to the Government ; and

(b) if so, the places where such schools are located ?

A.—(a) No.

(b) Does not arise.

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The RAJA OF RAMNAD:—"With reference to the answer given to this question, will the hon. Minister consider the desirability of starting schools at least in certain selected centres, one in the north and one in the south?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I shall be glad to encourage the opening of such institutions."

Excise.

Beedi shops in Madras.

* 1125 Q.—**Mr R. VEERIAN** Will the hon. the Minister for Education and the hon. the Home Member be pleased to state—

(a) whether the Government have on record the number of beedi shops that have been patented or registered in the City of Madras;

(b) where the local beedi merchants get beedi leaves from; and

(c) whether it is a fact that some of the beedis contain a mixture of ganja?

A.—(a), (b) & (c) The Government have no information

Mr. S. SATYAMURTI:—"In view of the fact that this habit of smoking beedies is very common in Madras, and in view of the fact that it is a matter which will affect seriously the health of the people, will the hon. Minister be pleased to make enquiries into the matter and collect information on the various points raised in this question?"

The hon. Rao Bahadur Sir A. P. PATRO:—"Sir, it is not the department that has got to go into the matter and enquire as to how many beedi shops there are, where they are located, and so on."

Mr. S. SATYAMURTI:—"The hon. Minister forgets in the early morning that he is there in his double capacity. I am asking him, in his capacity as Excise Minister, and in view of the fact that this is a matter which affects the health of the citizens of this city whether he will be pleased to exercise his power, if he has any power, in collecting information on this matter, so that the Government may exercise some control over these beedi shops."

11-45
a.m.

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not forget that I am in charge of the portfolio as Excise Minister also. It is well known to the hon. Member, and to the whole House. It does not require a reminder. If the question is asked straight, my reply will be plain. There is no rule at present in the Excise department to take action as suggested."

Mr. S. SATYAMURTI:—"May I ask the hon. Minister whether he has any intention of taking powers to control the beedi shops, in view of the large use made of it by the citizens of Madras?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I do not admit the premises of the question. Moreover, it is a suggestion for action."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Will the hon. the Minister for Local Self-Government be pleased to take cognizance of this question as it is a matter which concerns public health which is a subject in his portfolio?"

The hon. the RAJA OF PANAGAL:—"I am not quite sure whether it really comes under public health."

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Mr. A. CHIDAMBARA NADAR :—" Will the Government investigate into the matter and see whether the beedies contain ganja or not ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" As I said before, we do not admit the premises of the question. If it is proved that they contain ganja, Government will take action."

Mr. A. CHIDAMBARA NADAR :—" Who is to prove it ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Social workers like my hon. Friend. Unless there is some truth in the allegations, we do not want to harass the shopkeepers."

Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I take the responsibility for the statement that beedi shops are growing in number, and that they affect the health of the people, especially that of young boys. On this statement as the basis, will the hon. Minister make inquiries and take action ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" If any particular area is shown to be affected we will consider the question."

Mr. T. ADINARAYANA CHETTIYAR :—" Is it not enough for the hon. Minister to move in the matter if so many hon. Members of this House draw his attention to this pernicious habit and urge upon him to take some action? I may also add that those manufacturers who add ganja are able to sell their stock more easily than others."

The hon. Rao Bahadur Sir A. P. PATRO :—" If the evil is located, it will be easy for us to take action. It is impossible for us to take action on such vague statements."

Mr. P. ANJANEYULU :—" Sir, we put questions to the Government in order to get the information which we do not possess. But the hon. Minister asks us to find out the information for ourselves. May I ask the hon. Minister whether it is his idea that we must not only get the information but also prove the case ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" If the hon. Member places definite facts and circumstances before the Government, they will take action upon them; but in the absence of definite statements, it is not possible for the Government to do anything."

Mr. P. ANJANEYULU :—" Here is a definite statement, Sir, that the beedies contain an admixture of ganja. Will the Government be pleased to make inquiries and let us know whether they do contain it or not; and if it is so, what steps they propose to take in connexion with it ? "

The hon. the PRESIDENT :—" The question does not say that they contain ganja; it only asks whether it is a fact that they contain ganja."

Mr. P. ANJANEYULU :—" I thank you for it Sir. The Government say that they have no information and we ask the Government to get us the information."

Mr. T. ADINARAYANA CHETTIYAR :—" The hon. Minister might ask the popular beedi shops to send their samples and subject them to analysis."

Mr. R. VERRIAN :—" May I know whether the beedi leaves are taken from the forests free of cost ? "

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The hon. Rao Bahadur Sir A. P. PATRO :—" I do not know what is the brand of the popular beedies and whether the leaves are taken from the forest free of cost."

Mr. S. SATYAMURTI :—" Humour apart, Sir, in view of the allegations made by hon. Members of this House that the beedies contain the poisonous drug ganja, and in view also of the fact which cannot have escaped the attention of the hon. Minister, viz., that many of the young boys in Madras smoke these beedies, may I ask the Government why they refuse to take any action, and also what it is that the hon. Minister expects us non-official members without any official agencies to do, before he would take any action in the matter ?"

Mr. T. ADINARAYANA CHETTIYAR :—" Could not the hon. Minister ascertain the names of the bigger beedi manufacturers from the income-tax officers and submit some of their specimens to analysis ?"

General.

Address of the Education Minister to the deputations from the Indian Christian Civic League and the Catholic Association of South Kanara.

* 1126 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education be pleased to state—

(a) whether the hon. the Minister advised or suggested to either or both of the deputations from the Indian Christian Civic League of South Kanara, and the Catholic Association of South Kanara to return a proper representative of the West Coast Christians for the Legislative Council ;

(b) how the hon. the Minister characterized the attitude of the present Indian Christian M.L.C. from South Kanara in and outside the Council ;

(c) whether the hon. the Minister stated that he was in league or alliance with the party or persons that sought to subvert or destroy the British Government or described his attitude in some such terms and what suggestion the hon. the Minister made as to the election of his successor ; and in what capacity the hon. the Minister addressed the deputation with reference to the said Indian Christian M.L.C. and what justification he had for this act ; and

(d) whether the hon. the Minister has charged Government for his tour in South Kanara or whether he proposes to do so, or in what proportion he has charged Government for his official purposes and for his party or electioneering purposes (if any) ?

A --(a), (b) & (c) The hon. Member is referred to the statement made by the hon. the Minister for Education in the Legislative Council on the 29th October 1925 in reply to the motion made by the hon. Member for Vizagapatam and to the discussions thereon.

(d) The travelling charges are fully met from the allotment under that head.

Mr. J. A. SALDANHA :—" May I ask the hon. Minister whether he admits the allegation that before he began to harangue the Indian Christian Civic League . . ."

The hon. the PRESIDENT :—" Under what clause is the hon. Member putting the question ?"

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Mr. J. A. SALDANHA :—" Under the whole question since all the clauses are answered together.

" May I ask the hon. Minister whether he admits the allegation that when he began to harangue the league on the attitude of the Indian Christian M.L.C. in and outside the Council the educational officers were present ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The harangue has already been defined to the knowledge of the hon. Member."

Mr. J. A. SALDANHA :—" The hon. Minister told the House that the educational officers and other officers were asked to retire before he began to harangue the league on my attitude."

The hon. Rao Bahadur Sir A. P. PATRO :—" I can only ask the hon. Member to refresh his memory with the records in connexion with this matter."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (d), may I ask the hon. Minister whether he has made any attempt to distinguish between his electioneering work as a party leader and his work as a Minister of this Government and if so, whether he has in this connexion charged the Public exchequer with expenses which ought to be met from his pocket, to the extent to which this tour was taken for electioneering purposes ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The work was in the public cause and in the public interests."

Mr. S. SATYAMURTI :—" May I therefore ask the hon. Minister to state categorically whether he accepts this position, namely, that when he undertakes official tours at the expense of the tax-payer, he is entitled to do party electioneering work and get his expenses paid by the tax-payer ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I have nothing to add to what I have already said."

Mr. S. SATYAMURTI :—" I draw your attention to the answer, Sir. It is stated that the travelling charges are fully met from the allotment under that head. It sounds like the reply of the Accountant-General. We are not raising any audit objection, Sir. We are raising a political objection for what it is worth. Will the hon. Minister be good enough to say, as a politician and a Minister of this Government, whether he accepts or rejects the position that when he does electioneering work he ought to foot the bill and he ought not to make the tax-payer foot the bill ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" The hon. Member is labouring under a grave misapprehension that the tour was made for political purposes. It was not so. Therefore, the second part of the question needs no answer."

Mr. S. SATYAMURTI :—" May I remind the hon. Minister that the speech as he reported to this House during the adjournment motion and reference to which is also made in the answer, contained some instructions to the electorates as to the nature of the members to be returned to this House ? And may I ask him whether it is part of his official duties under the Montagu-Chelmsford Scheme to advise the electorate that they should return X and not Y ? "

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Agriculture.

Transfer of headquarters of the Assistant Director of Livestock from Coimbatore to Chintaladevi.

* 1127 Q.—**MR. A. RANGANATHA MUDALIYAR** : Will the hon. the Minister for Development be pleased to state—

(a) the reasons for the transfer of the headquarters of the Assistant Director of Livestock from Coimbatore to Chintaladevi; and

(b) the number of visits of inspection which the Deputy Director, Livestock, should pay every year to Chintaladevi and Coimbatore respectively?

A.—(a) The headquarters of the Assistant Director, Livestock, was transferred to Chintaladevi in order to secure a better division of work between the Assistant Director and Deputy Director, Livestock, and a saving of expense in the travelling allowance of officers. It was also considered necessary in the interests of discipline to have a responsible officer at Chintaladevi to supervise the farm-work and to control the staff.

(b) The Deputy Director, Livestock, visits Coimbatore about once every two months and Chintaladevi about once every four months.

MR. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether there is a farm in Husur also? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ There is a farm at Husur also and the Deputy Director of Livestock is there.”

MR. C. V. VENKATARAMANA AYYANGAR :—“ Has the Assistant Director nothing to do with this farm? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ No, Sir.”

MR. V. C. VELLINGIRI GOUNDER :—“ May I know the number and kinds of animals kept at Chintaladevi and Coimbatore? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ The Coimbatore herd consists of 76 animals and as for Chintaladevi I want notice. As regards the kinds of animals, the information is contained in the annual report of the Director of Agriculture placed on the Editors' table.”

Results and cost of experiments in cross-breeding and feeding in Bangalore Military Dairy.

* 1128 Q.—**MR. A. RANGANATHA MUDALIYAR** : Will the hon. the Minister for Development be pleased to state—

(a) the results, if any, obtained by experiments in cross-breeding and feeding inaugurated in the Bangalore Military Dairy; and

(b) the amount spent up to date on the said experiments?

A.—(a) The hon. Member is referred to Chapter V of the Administration Report of the Agricultural Department for 1924-25 recorded in G.O. No. 1377, Development, dated 19th September 1925, placed on the Editors' Table.

(b) Information is not available with Government.

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Mr. V. C. VELLINGIRI GOUNDER:—"What are the Government farms where cross-breeding and feeding is undertaken?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"The hon. Member is referred to the report of the Director of Agriculture which is published."

Mr. V. C. VELLINGIRI GOUNDER:—"I do not refer to the experiments. I want to know the places where cross-breeding and feeding is regularly undertaken."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"It is all referred to in the report."

Appointment of Oriyas as demonstrators in Agricultural Department.

* 1129 Q.—Sriman SASIBHUSHAN RATH Mahasayo: Will the hon. the Minister for Development be pleased to state—

(a) whether there are any Oriya demonstrators in the Agricultural Department;

(b) if not, whether qualified Oriyas are not available to fill the place of demonstrators; and

(c) whether he is satisfied that work is being equally well and efficiently done by Telugu demonstrators not knowing Oriya in the Oriya tracts?

A.—(a) Yes.

(b) Does not arise.

(c) Yes.

Mr. P. PEDDIRAJU:—"May I know how many Oriya demonstrators there are and where they are posted?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"There is one demonstrator and he is posted to Naurangapur."

Sriman SASIBHUSHAN RATH Mahasayo:—"Is it in the Oriya tract?"

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—"I have no information."

UNSTARRED QUESTIONS.

Civil Justice.

Removal of the Subordinate Judge's Court from Devakottai to Sivaganga.

1130 Q.—Mr. A. M. MURUGAPPA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Government have received representations from the vakils of Sivaganga, Ramnad district, for the removal of the Court of the Subordinate Judge, now located at Devakottai, and for its location at Sivaganga; and if so, the reasons adduced by them in favour of such removal;

(b) whether the Government have fully enquired into the allegations mentioned in the said representation, and whether they have come to any definite conclusion in the matter;

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(c) whether it is a fact that the Government have also received a fully representative petition from the people living in and around Devakottai against the removal of the said court, on the ground that it will cause a good deal of inconvenience to the litigant public; and whether that petition has also received the due attention of the Government; and

(d) if the Government have come to any definite decision in the matter, whether they would be pleased to lay on the table the papers relating to it?

A.—(a) Representations have been made to the Government suggesting the abolition of the temporary Sub-Court, Devakottai, and the posting of an Additional Sub-Judge, if necessary, to the Sub-Court at Sivaganga.

(b), (c) & (d) A petition has also been received against the removal of the Devakottai Court. The Government are inquiring into the matter and it is expected that a definite decision will be reached early next year.

Irrigation.

Silt clearance in Sacrapalli channel, Palkonda taluk.

1181 Q.—Rao Bahadur C. V. S. NARASIMHA RAJU: Will the hon. the Law Member be pleased to state—

(a) whether the silt clearance in Sacrapalli channel, Palkonda taluk, Vizagapatam district, is being done at Government cost;

(b) the number of villages irrigated by the channel and the total extent of wet lands irrigated by the said channel in each of the villages;

(c) whether the channel requires any improvement; and

(d) whether the irrigation under the said channel is defective at present?

A.—The Government have no information but have called for a report.

Unauthorized irrigation in Ramapuram and Thitte villages, Tanjore taluk.

1132 Q.—Mr. S. MUTTAYYA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that owing to unauthorized irrigation from the Koruvadi Poduvaykal of the lands in Ramapuram and Thitte villages in Tanjore taluk, Tanjore district, Government have been levying penal assessment year after year;

(b) whether such unauthorized irrigation has led to disputes among the ryots affected by the channel; and

(c) what steps have been taken by the Government to put an end to such unauthorized irrigation and disputes?

A.—The Government are not aware of any such unauthorized irrigation nor of any such disputes and have issued no orders in the matter.

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Forests.

Appointment of an Indian Conservator of Forests.

1133 Q.—MR. J. A. SALDANHA: Will the hon. the Home Member be pleased to state, with reference to the answer given to question No. 457 put at the meeting of the Council held on 26th August 1925, what action has been taken on the proposed appointment of an Indian Conservator of Forests?

A.—No action has been taken as no vacancy has arisen in the meantime.

Labour.

Appointment of District Labour Officers, etc., from depressed classes.

1134 Q.—MR. G. PREMAYYA: Will the hon. the Home Member be pleased to state why the District Labour Officers, the head clerks and managers of all the Labour offices and the executive staff of the Labour department have not been appointed from depressed class people as far as possible?

A.—Persons belonging to the depressed classes have been appointed to posts in the Labour department as far as possible with due regard to the qualifications required.

The work of the Labour department in every district.

1135 Q.—MR. G. PREMAYYA: Will the hon. the Home Member be pleased to state the kinds of benefits conferred on the depressed class people by the present labour staff in every district individually?

A.—The attention of the hon. Member is invited to the annual administration reports of the Labour department which have been placed on Editors' Table.

Pay and travelling allowance of Labour Inspectors.

1136 Q.—MR. G. PREMAYYA: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the grade of all the Labour Inspectors is not of uniform scale;

(b) whether it is a fact that one Inspector gets a salary of Rs. 72 per mensem and travelling allowance of one rupee per diem while another in the same position draws pay of Rs. 45 per mensem and travelling allowance of ten annas per diem; and

(c) whether the Government have any proposal for revising the pay and travelling allowance of these Inspectors; if so, at what stage the matter is?

A.—(a) & (b) The pay of the Special Inspectors in the Labour Department is Rs. 45—3—78—2—80 a month. Under the Madras Travelling Allowance Rules the rates of daily allowance admissible to them vary according to the pay they draw in the time-scale,

(c) Yes; the matter is under consideration.

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Education.*Schools under the control of the District Board of Malabar.*

1137 Q.—Mr. J. A. SALDANHA: With reference to the answer to the supplementary question on question No 282 put at the meeting of the Council held on 21st August 1925 regarding schools under the control of the District Board of Malabar, will the hon. the Minister for Local Self-Government be pleased to give the information required in that question?

A.—The information required in clauses (b) to (f) of question No. 282 asked at the meeting of the Legislative Council on 21st August 1925, regarding the staff employed in the secondary schools under the control of the Malabar District Board is given below:—

(b) The number of teachers in these schools who are B.A., L.T.'s is 54.

(c) & (d) These appointments are distributed between the various castes and communities as shown below:—

Brahmans	...	44	|	Pillai	...	1
Nayars	...	7	|	Syrian Christian	..	1
Nambissan	...	1	|			

(e) One Indian Christian, B.A., L.T., applied in 1924 for a teachership but he was not familiar with the language of the district.

(f) One of the teachers is a subject of a Native State, viz., Travancore.

Concessions to converts to Christianity.

1138 Q.—Mr J. A. SALDANHA Will the hon the Minister for Education be pleased to state—

(a) whether under the operation of G.O No. 855, Law (Education), of 19th May 1925 (page 247, *Fort St. George Gazette*, dated 23rd June 1925), converts to Christianity from the Devanga, Billava and other backward communities are denied the concessions as to school fees allowed to the corresponding Hindu castes;

(b) whether the Educational authorities and Government have received complaints and representations from such backward converted Christian communities on these grievances;

(c) what orders Government have passed, or propose to pass, in the matter; and

(d) whether Government are aware that the economic condition of converts, especially of Roman Catholics, who have to attend Government or local board or municipal school, is not better than that of their Hindu brothers?

A.—(a) The Government Order applies only to converts to Christianity from among members of the depressed classes

(b) & (c) Representations were received on behalf of converts to Christianity from castes other than those classed as depressed. The Government declined to extend the concession to the pupils in question.

(d) The Government have no information.

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Agriculture.

Establishment of an agricultural school at Vadamalapuram.

1139 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the ryots of Sattur taluk, Ramnad district, in a meeting held at Vadamalapuram on 7th October 1925 passed a resolution to the effect that an agricultural school should be established in the village, and sent the same to the Government;

(b) whether the villagers have taken the responsibility of sending 20 boys in case a school is established and to have them trained for their use; and

(c) if so, the action which the Government are proposing to take on the matter?

A.—(a) Yes.

(b) The resolution passed at the meeting contains an assurance to this effect.

(c) The resolution is under the consideration of Government.

Standardized power plant for improving agriculture.

1140 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Development be pleased to state whether the attention of the hon. the Minister has been drawn to the standardized power plant, of which Sir Alfred Chatterton wrote in the *Times* in the mail week on the 19th August 1925 under the heading “Mechanical Agricultural Appliances in India” for helping the Indian agriculturist in the fields?

A.—Yes.

Fisheries.

Control of Fisheries in the Nilgiris district.

1141 Q.—Mr. J. A. SALDANHA.—Will the hon. the Minister for Development be pleased to state, with reference to the answer given to question No. 472 put at the meeting of the Council held on 26th August 1925, what final action has been taken as to the control of the fisheries in the Nilgiris district and removal of the old standing Inspector of Fisheries referred to?

A.—The question of handing over the Nilgiri Trout fishery to the Nilgiri Game Association and of transferring the conservation and protection of the upper waters of the Bhavani and Moyar rivers to the Fisheries Department is still under the consideration of Government. The question of removal of the Inspector of Fisheries never arose as the charges against him were not proved.

[Note.—An asterisk * at the commencement of a speech indicates revision by the Member.]

DISALLOWANCE BY HIS EXCELLENCY THE GOVERNOR OF THE
ADJOURNMENT MOTION *IN RE* RAILWAY DI-ASTER AT
PATTUKOTTAI, TANJORE DISTRICT.

The hon. the PRESIDENT:—“I have to announce that in regard to the motion for adjournment to which leave was given yesterday, His Excellency the Governor has been pleased to disallow the motion.”

[16th December 1925]

III.

AMENDMENTS TO STANDING ORDERS Nos. 3 AND 49.

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, I beg to present the report * of the Select Committee appointed to consider certain draft amendments to Standing Orders Nos. 3 and 49 of the Standing Orders of the Madras Legislative Council and move that the report be taken into consideration and the amendments passed."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I second it."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I move that paragraph (1) of Standing Order No. 3 be omitted. Sir, since provision has been made for the election of President by the Legislative Council Rules, this is no longer necessary and it may be omitted."

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moon.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I second it."

* Mr. S. SATYAMURTI :—" I am simply asking this for information. I have not got the Legislative Council Rules with me. I wish to know whether there is provision made in rule 5-A, replacing clauses (2) and (3) of Standing Order No. 3. Otherwise, I do not see how the two things are going to work together. I should like to have some enlightenment from the hon. the Advocate-General."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, paragraph (1) of Standing Order No. 3 deals with the election of the first elected President of the Council. Provision regarding the future elections is made in the Legislative Council Rules. The next paragraph does not deal with any matter connected with paragraph (1), but has an independent existence and application. The first paragraph is now proposed to be deleted and the subsequent paragraphs re-numbered."

* Mr. S. SATYAMURTI :—" May I take it, therefore, that rule 5-A and the clauses (2) and (3) of Standing Order No. 3 will also be in force? In other words, are these two paragraphs to be read along with rule 5-A?"

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I think it is so."

* Mr. S. SATYAMURTI :—" I want to know what the intention of the hon. the Advocate-General is. This is to be viewed as a whole and I am sorry that I have not got rule 5-A with me; if the hon. the Advocate-General has it, he may just read it along with these two paragraphs of Standing Order No. 3 and see how they fit in."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Perhaps I may say that it was considered that the first paragraph of Standing Order No. 3 by itself providing for the election of the first President of the Council is practically spent now and so might be omitted. The subsequent paragraphs will be applicable at the appropriate stages. Rule 5-A provides for the future elections of President and if the hon. Member for the University wants, I shall read it for him: (*reads Rule 5-A.*) Standing Order No. 3 as amended will deal with the election of the Deputy President."

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* Mr. S. SATYAMURTI :—" Sir, I am very much obliged to the hon. the Advocate-General for having read out rule 5-A to me. But it is fairly obvious to me that he has not considered how far clauses (2) and (3) of Standing Order No. 3 fit in with rule 5-A. I should like—I am not moving an adjournment at this stage—the hon. the Advocate-General to consider how these two clauses of Standing Order No. 3 read with rule 5-A and to bring up a consolidated amendment of our Standing Orders which will be in consonance with the new rule 5-A and provide only for the lacuna in the rules which alone have to be provided for in the Standing Orders. I speak subject to correction. But it seems to me that sufficient attention has not been paid to it."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" May I know what the hon. Member for the University is referring to, to paragraphs (ii) and (iii) of Standing Order No. 3 ? "

* Mr. S. SATYAMURTI :—" Yes, Standing Order No. 3 (1), paragraphs (ii) and (iii)."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" The whole of Standing Order No. 3 (1) goes away. That is the present amendment."

* Mr. S. SATYAMURTI :—" Then, Sir, may I ask for information whether the provision in Standing Order No 3 (1) (iii) that ' no person who is a candidate for election shall preside at such meeting ' is also contained in rule 5-A ? If not, why does the hon. the Advocate-General want us to abrogate that wholesome rule ? We had that phenomenon the other day ; it was not very pleasant."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Yes, Sir. It is provided for in clause (3) of the Legislative Council Rule 5-A."

* Mr. S. SATYAMURTI :—" I know that, Sir."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I understand that the Legislative Council Rule provides that the election should be conducted with the outgoing President or the Deputy President in the Chair."

* Mr. S. SATYAMURTI :—" But it is perfectly possible, and I sincerely trust, that the outgoing President will be a candidate or probably the only candidate for the next elections. I am asking whether the change is considered necessary abrogating the rule which says that according to our Standing Orders, a person who is himself a candidate shall not preside. I am saying nothing on the merits, but I want to know what the position of the hon. the Advocate-General is."

* The hon. the PRESIDENT :—" To legitimise the discussion, will the hon. Member for the University make some motion ? "

* Mr. S. SATYAMURTI :—" Yes, Sir. I beg to move—
' That this matter shall stand adjourned to the last day of our sittings. '

" In the meantime myself and others who are interested and you also, Sir, may look into it and see whether we can bring an amendment which is in consonance with the wishes of all the sections of the House."

Mr. R. Srinivasa Ayyangar :—" I second it ",

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* Mr. T. R. VENKATARAMA SASTRIYAR :—“ I have no objection. I think there is a provision in the Rules that the person standing as a candidate shall not preside. However I will look into it and bring the matter again on the last day of our sitting.”

The motion to adjourn the order of the day was put and carried.

IV

RESOLUTION REGARDING THE CORRUPT PRACTICES BILL

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ Mr. President, the resolution that I move is worded thus :

‘ This Council accepts the principles of the Legislative Bodies Corrupt Practices Bill introduced in the Legislative Assembly on the 25th August 1925 ’.

“ Sir, in a letter addressed by the Government of India, Home Department, to all local Governments the opinion of the Governments and of the Council is sought in regard to this matter. And the reason why I am moving it now is this. When a motion to refer the Bill to the Select Committee was carried, in the course of the debate it was suggested that the Indian Legislature should be acquainted with the views of the local Legislatures and the local Governments on the matter and the hon. the Home Member on behalf of the Government undertook to obtain opinions by executive orders. The intention is to place the opinions before the Select Committee when it meets in January next, and later before the other Members of the Legislature. This letter is dated 21st September 1925. And in order to elicit the opinion of this hon. House on this Bill, I move this resolution. After I gave notice, it has been stated by some hon. Members that they have not had enough time to read through the papers and to familiarize themselves with the matter. I do not want to go on with the resolution if any section of the House or any large number of Members here think that they are not prepared to take part in the discussion. But the question is that the matter will come before the Select Committee of the Legislative Assembly in January and the object of the Government of India is to get our opinion, if possible, by that time and it is for that reason that I propose to move this resolution now. I am entirely in the hands of the House on the question whether this shall be discussed now or shall be adjourned.”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ May I suggest that this may be taken to-morrow as many of us had notice of this only after coming here to-day ? ”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ I have no objection to that course, Sir.”

* The hon. Mr. T. E. MOIR :—“ I formally move that the consideration of this resolution be deferred till to-morrow.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—I second it.”

The motion for adjournment was put and carried.

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V

RESOLUTION REGARDING THE BIFURCATION OF THE MADRAS CITY
NON-MUHAMMADAN URBAN CONSTITUENCY.

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The next resolution in my name reads thus :

- (ii)* *That this Council approves of the proposal that the Madras City Non-Muhammadian Urban Constituency may be divided into two constituencies called the Madras City North Constituency (Non-Muhammadian) and the Madras City South Constituency (Non-Muhammadian) and recommends to the Government that the regulation to give effect to the above proposal which was published on page 269 of Part I of the Fort St. George Gazette, dated 10th February 1925, may be issued'.*

“ This resolution, Sir, I may at once explain inasmuch as certain hon. Members of this House came to me in order to ascertain the opinion or the attitude of the Government in the matter. Moreover, there has been some misconception on this question, and therefore let me at once say that the form of this resolution does not commit the Government to a decision one way or the other. And speaking for myself, and also I think for my hon. Colleagues, the Government desire solely to obtain the opinion of the House on the question whether the city should be divided into two constituencies or not. And they do not propose to take any part in the actual decision.

“ The question, however, has arisen this way. About a year ago, in May 1924, suggestions were made as to this matter in pursuance of a provision contained in the Regulations which provided for the splitting of constituencies into two either for the sake of convenience or otherwise.”

MR. SAMI VENKATACHALAM CHETTIYAR :—“ By whom, Sir ? ”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ By a number of people, and afterwards the Commissioner of the Madras Corporation was consulted and he said that in his opinion he had no objection. That is the letter we have received from the Commissioner of the Madras Corporation. And then this notification was published in the *Fort St. George Gazette* and opinions were asked for, but no opinions were forthcoming. The question therefore is now before the House whether on the whole the House is in favour of dividing the Madras City Non-Muhammadian constituency into two or is in favour of retaining the present arrangement. The Government are perfectly prepared to follow the opinion of this House and the vote of this House, and if the vote of the House is that, for the purpose of convenience or on account of the greater prevalence of intense political activity in Madras, it is necessary to divide it into two, it can be done. If, on the other hand, having regard to the fact that Bombay has not been so divided, they would like to have the present arrangement, the Government have nothing to say on the matter. I am anxious again to emphasize the fact that the motion is put in this form simply because it has to be brought forward in some form before the House, and that the Government are willing to abide by the decision of the House. I therefore move the resolution.”

* MR. S. SATYAMURTI :—“ May I ask, Sir, for information on this matter ? This is a somewhat curious procedure. If the hon. the Law Member wants it entirely to be left to the House, he may have refrained from making this

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motion. He could have placed the papers on the table and left it to any Member on one side or the other to move a resolution. I am not speaking on the merits of the question, but I simply want to know how we are to carry on this discussion and vote upon the question. The motion says 'that this Council approves, etc.', but the hon. the Law Member says that he neither approves nor disapproves."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"There are obvious anomalies in the procedure. This motion has been brought forward in such a form in pursuance of the tradition which is being set up in the Legislative Assembly. No doubt every resolution is in the form of a recommendation to the Government, and to a certain extent it may appear curious that a Member of the Government himself moves a resolution in the form of recommendation to the Government of which he is a Member. But this is done in the Legislative Assembly. So far as this matter is concerned, what happened was this. Questions were asked of me as to this very matter, as to what I proposed to do. I said that I was perfectly prepared in any way to bring the matter before the House in some form or other. I shall read the proceedings of this Council, dated 19th March 1925. Mr. Satyamurti asked :

'Will the hon. the Law Member be pleased to state (a) the reasons why the Madras City Constituency is proposed to be divided into two for the purpose of election to the Madras Legislative Council; (b) from whom the initiative proceeded in the matter, etc.', and the reply was :

'The attention of the hon. Member is invited to the proviso to rule 4 of the Madras Electoral Rules. . . . The draft of the proposed regulation dividing the Madras City Non-Muhammadan Constituency into two divisions was published for criticism on page 269 of Part I of the *Fort St. George Gazette*, dated the 10th February 1925. The Government will be glad to consider any suggestions that may be received.'

"We received absolutely no criticism against the proposal or any suggestion about it after it was published in the *Gazette* on 10th February. We have received no proposal one way or another—apparently the *Fort St. George Gazette* is not a very popular publication. At the meeting dated the 18th March, Rao Bahadur C. Natesa Mudaliyar asked me 'Am I to understand that the Government took the initiative in the matter?' and I answered, 'We were asked by certain persons to start a system of subdivision. Thereupon after consideration we have sent out the notification published in the *Fort St. George Gazette* and we have invited opinion as to the desirability of the course. We will follow the trend of public opinion.'"

MR. SAMI VENKATACHALAM CHETTIYAR :—"Sir, may I just interrupt the hon. the Law Member . . . ?"

The hon. the PRESIDENT :—"The hon. the Law Member has not yielded."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I am prepared to yield, Sir."

MR. SAMI VENKATACHALAM CHETTIYAR :—"May I request the hon. the Law Member to read the first portion of the answer?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—"It is as follows :

'The draft of the proposed regulation dividing the Madras City Non-Muhammadan Constituency into two divisions was published for criticism on page 269 of Part I of the *Fort St. George Gazette*, dated the 10th February 1925. The Government will be glad to consider any suggestions that may be received.'

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" Finally, I said :

' Considering that there is apparently a strong feeling held by some Members, I am perfectly willing on behalf of the Government to undertake that no further action will be taken until this Council has had an opportunity of discussing the matter and voting upon it '.

* We saw that opportunity was not taken by this Council. It did not raise the topic. The thing had to be decided one way or the other, and some procedure had to be adopted to bring the matter before the House, and this is the procedure that has been adopted. If the House prefers that this question should not be raised at all, I have absolutely no objection, and if they do not want to have this motion, I would take it that the House does not want to raise this question."

The hon. Khan Bahadur Muhammad Usman Sabib Bahadur seconded the motion.

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" Sir, before I offer any remarks on this matter, I would like to have some information from the hon. the Law Member. He referred to the fact that the Commissioner of the Madras Corporation was addressed on this matter and has expressed his agreeableness to this proposal, if I may use that expression. May I know if it was the opinion of the Corporation, the councillors of the Corporation, or it was only the individual opinion of the Commissioner? For so far as myself and my hon. Friend Dr. Natesa Mudaliyar are concerned, we do not remember to have had this subject before the Corporation for consideration. Usually, moreover, in matters intended for the expression of opinion of the Corporation, the letter is sent as a communication to the President of the Corporation. But here in this case we are told by the hon. the Law Member that it is a communication from the Commissioner."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" The Commissioner of the Corporation is the officer who has got definite functions in connexion with the elections. The Commissioner was therefore asked, and it happens that the Commissioner is present in this Council as a Member. It was the opinion of the Commissioner of the Corporation that was given to Government, to the effect that he had no objection to this course."

Rao Bahadur O. TANIKACHALA CHETTIYAR :—" I did not, by way of any complaint, say that the Commissioner alone was asked. No doubt I am aware that he is the officer responsible for the conduct of the election. I asked only as a matter of information and I am glad to learn that it is only the Commissioner's opinion and not that of the councillors. For, I oppose this proposal for this reason. It is a serious inroad on the rights and privileges of the voters of this city. For under the existing regulations, the constituency is one consisting of both the North Non-Muhammadan Urban Constituency and the South Non-Muhammadan Urban Constituency, and each voter is entitled to vote for four members. By this division into the northern and southern constituencies you will be depriving the citizens of Madras of the right of voting for four individuals, their right of selecting their own four; you are confining their selection to two, which is a serious inroad upon the rights and privileges of the citizens, the rate-payers and the voters. That is one reason.

" Secondly the Madras City is under one municipal administration. The revenues that are taken from various residents of various portions of the

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city are applied not merely to the needs of those portions. What is collected from the northern division, for instance, is not spent exclusively for the amenities of that division only but also, say, to the southern division. All the revenues are pooled into one and are applied to the whole city. Moreover, friends or relations of voters living in the Tondiarpet division may be residing in Mylapore. So, I do not know what kind of convenience there is in dividing the constituency into two. If at all there is any question of convenience, only the convenience of candidates may be served by dividing the city, though even that is a doubtful matter. But so far as the rights and privileges of the rate-payers and voters are concerned, it is an inroad upon them. And I am glad therefore that this opinion which I am voicing on their behalf is not opposed to any opinion which has been expressed by the councillors of the Corporation. Very likely this matter has not been placed before them, and their opinion is not the opinion of the Commissioner. Under such circumstances, in spite of the inconvenience to the candidates by having to go over a wide range of 24 square miles which is nothing compared with the range in the electorates in the mufassal, in the districts, the advantage to the voters is great. The advantage to the candidates by reducing the area they have to cover is not so great as the disadvantages accruing from the curtailment of the privileges of the voters. For these reasons I beg to oppose this proposal."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know before we go further into the matter whether there is any proposal before the Government for the subdivision of rural constituencies in the mufassal ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" There has been no such proposal, Sir, except as regards Kistna which has been subdivided."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I am not satisfied why this question is brought before this Council at all. I have not seen any other instance of this kind brought before the Council. Most of the Members here come from the mufassal and they are not interested in this question nor can they say, as a matter of knowledge, whether such necessity exists or not. I think, Sir, it is bad in principle to bring forward such a resolution before this Council, and worse still when the Government brings it forward and tells the Council ' We are not interested in it. We will hold off our hands '. How are we interested in this question ? It is only the Corporation that is interested in this question. (Voices: ' No. no. ') The Government ought to have consulted the Corporation and gone according to the wishes of that body. My submission is this. If the Government have sufficient information upon which to proceed to divide the Madras City into two constituencies, let the Government say to this Council that such a division is necessary. Instead of that, they think of moving this resolution and then say ' Well, we have nothing to do with this. We will be neutral. You had better decide the point '. This is throwing an apple of discord in the Council (Laughter). In fact, there will be no discord at all because nobody is interested in this question except the few representatives who are also members of the Corporation. I think, Sir, that the Government ought not to move this resolution at all, and it would be setting up a bad precedent if it is allowed. Hereafter, if rural areas are split up, it will be asked why it was not brought up before this Council. I submit, if the Government are really satisfied that there is necessity for this division, they should clearly

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tell the Council that such and such a thing should be done. Instead of doing that, if they bring motions in this way, it will be only waste of time."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Sir, while I regret with my hon. Friend Rao Bahadur Thanikachalam Chettiyar that in this matter the Corporation of Madras was not consulted, I cannot agree with him that the letter which the Commissioner had written to the Government could have escaped his vigilance. He was the President then and he ought to have noticed it if the Commissioner had communicated to the Government views different from those which are likely to be held by the Corporation. He ought to have at least written to the Government that the views of the Corporation on this matter were not obtained. In that respect I am very sorry that my hon. Friend, Rao Bahadur Tanikachalam Chettiyar was lax. As to the necessity of consulting the Corporation of Madras as a body in this matter, I do not think that the Corporation as a body is interested because there are several councillors who may not be the likely candidates for the election. As Rao Bahadur Tanikachalam Chettiyar said, it is only as a matter of convenience of the candidates that any bifurcation of the city is contemplated."

Rao Bahadur O. TANIKACHALAM CHETTIYAR :—" May I make a personal explanation, Sir? I was not the President at the time and I do not think it passed through me. Moreover a communication to the Commissioner could not have passed through the President. However, that is another matter, but what I say is that I was not the President at that time and I could not have therefore known what passed between the Commissioner and Government."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" I am very sorry, Sir, if I had referred to Mr. O. Tanikachalam Chettiyar on an act when he was not the President. As to the latter argument he advanced that the letter written by the Commissioner would not have passed through the President, I am afraid he is entirely wrong, because every communication addressed to the Government by the Commissioner ought to pass through the President. 12-30 P.M.

" With regard to the bifurcation of the city, I do not think that the rights of the voters or the electorate are intended to be jeopardised by this bifurcation. On the other hand, if the city is divided into smaller constituencies, the electors will have more power of asserting their rights in the matter of elections. Further, it will certainly conduce to the convenience of those who have the misfortune to canvass for votes. I can say from my experience—and I may say that the experience of other hon. Members would not be different in this matter—that the range of our canvassing work being about 27 miles, we are put to considerable physical inconvenience on account of the canvassing we have got to do over such a wide area. The analogy of the districts cannot hold good for the city of Madras. I am told—how far it is true must be known to members from the districts—that after all the village karnam and the village headman regulate all these elections (Voices of 'No, no'). It is only, Sir, in the city of Madras no official influence or influence of any other sort will affect the electors. It is only on the merit of the candidate that he is returned. Therefore, it is necessary that in the interests of the convenience of the candidates that the city of Madras should be bifurcated. I am not at all of the view that the rights and privileges of the electorate or the

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voters will be thereby jeopardised. For, after all, they are not going to lose any of their rights by being in the northern constituency or in the southern constituency. Perhaps this bifurcation will also increase the number of competitors in each constituency. The difficulty or disadvantage, if there is any, will be this: that there is the likelihood of a representative with a less support to be returned by the constituency. In a smaller constituency when there are a large number of competitors, it is possible that one who is not perhaps very strong in the whole city of Madras may be returned by a smaller constituency. That can be the only disadvantage. But in the city of Madras there is no dearth of competent men to be returned to the Legislative Council, either by the northern or the southern constituency. I should think that it is in the interests of the convenience of the candidates and also to some extent of voters who sometimes have got to traverse large distances from one end of the city to another. It will save a good deal of inconvenience and expenditure. In the interests of the incorruptibility of these elections, it is also desirable that the range of canvassing should be lessened than what it is now. I therefore support the proposal that the city of Madras should be bifurcated."

* Mr. S. SATYAMURTI:—“ Mr. President, Sir, it is a thousand pities that my hon. Friend, the Law Member, should have abdicated his natural functions of giving a lead, one which he believed to be a correct lead, on this matter. I congratulate him on the fact that, while the Legislative Council has no control over the Government in its unrestricted power of doing by regulation that which he now seeks to do with our assent, he has brought this motion *suo motu* before this House. Surely, Sir, to have brought forward the motion in that form and placed it before us without the opinion of the Government is neither fair to the Government nor fair to this House. After all, this Council is allowed to function with regard to subject matters in the hands of the Reserved Half in a purely advisory capacity. But here the hon. the Law Member says that he will take no action unless the opinion of this House is expressed one way or the other. If that is so, he must logically follow it up by saying ‘this is my opinion, vote for it or vote against it. I will accept the decision.’ Instead of doing that, he comes to this House, moves a resolution which in form asks for our approval, and says twice in unambiguous language, lest he may be misunderstood, that he has no opinion and leaves the matter entirely to this House.”

* The hon. Sir C. P. RAMASWAMI AYYAR:—“ I did not say that I had no opinion on the matter. I said that Government were not going to express an opinion on this matter because their function, so far as this matter is concerned according to my undertaking, was to get the opinion of this House.”

* Mr. S. SATYAMURTI:—“ Bread in the shop is no good to me so long as it is not available for my eating. The hon. the Law Member may have in his bosom his opinion but that does not. . . .”

The hon. Sir C. P. RAMASWAMI AYYAR:—“ I was narrating a fact.”

* Mr. S. SATYAMURTI:—“ Therefore, my complaint becomes all the more serious. I can understand if the hon. the Law Member had said that he had no opinion or was not able to make up his mind owing to the difficulty of the subject. But what he says is ‘I have my opinion but I don’t want to

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express it', and if the hon. the Law Member, as a responsible Member of the Government, has come to some conclusion on evidence, I take it, which he considers relevant, he owes it to himself and to this House to give us that opinion. Otherwise, it is very much less than fair to himself and to this House. But, Sir, I am glad he has come before this House and asked us to give an opinion on the subject. Before I say the few words I have to say on the merits of this question, I must dissent from the opinion of the present President of the Corporation and of the quondam President who claimed for the Madras Corporation an all-important and superior right. . . ."

MR. SAMI VENKATACHALAM CHETTIYAR :—" I did not, Sir."

* MR. S. SATYAMURTI :—" I am glad my hon. Friend the present President does not claim it. I must say that so far as the Corporation is concerned, it has no more right than any other member of this House or any elector or voter of the Madras City or even of the mufassal to advise this Council or the Government on this matter. The whole question is whether it is in the interests of the development of democracy, or the soundness of elections, and of that intimate touch between the elector and the candidate or the member returned, that this change should be made or should not be made.

" Sir, the rules on this matter are clear. Rule 4 of the Electoral Rules, to which the hon. the Law Member referred, says in the proviso :

' Provided that the local Government may by regulation divide into two or more constituencies any of the plural member constituencies and may distribute among the new constituencies so created the seats'

" Now, Sir, that proviso was put in, I take it, because all those who are familiar with the development of democratic institutions in other countries are familiar that the development of democracy can be promoted only by approximating as early as possible all the plural member constituencies to single-member constituencies. Plural-member constituencies must cease to exist as early as possible for this weighty reason, that the touch between the members of this House and their electors must be more and more intimate. We must feel more and more that we are here as their spokesmen, as their representatives, if not as their delegates, and we must respond to their wishes and carry out their behests to the extent to which they do not controvert our conscience or our ideas of right and wrong. And I may say, Mr. President, that any Member of this House will agree that it is only in cases where the constituencies are reasonably small, members can come into personal touch with their electors and you can establish that sense of responsibility and confidence on one side or the other. Further, I must say I was surprised at my hon. Friend suggesting that this is a serious inroad on the rights and privileges of the electors. I agree mathematically it is so. Under the present system, I can vote for four candidates and under the new system I can vote for two only. But surely to argue from that that the rights and privileges of the electors will be affected is something which I cannot follow. On the other hand, I suggest, Mr. President, that owing to the fact that I shall be a member of a smaller electorate and that I elect only two members, to that extent my influence in affecting the result is proportionately increased and it gives me a greater right and influence in the election, even mathematically speaking. Moreover, the fact that there are two members for the division of Madras in which I live gives them and me more frequent opportunities of coming into contact with one another, to

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be influenced by and to influence one another. Therefore, far from being an inroad on the rights and privileges of the voters, I suggest it is in the direction of the development of democratic institutions, and is calculated to increase the influence of the individual elector and bring him more intimately and directly into touch with his Member in this House.

"My hon. Friend from Cuddapah spoke from far off heights and told us 'I have no interest in this matter. Why should you bring it here? Let the Government do what they like.' I respectfully disagree with him. I am glad the Government have brought it forward, and I would appeal to him and to hon. Members from the other districts to view this question as the beginning of a necessary electoral reform which will divide up our constituencies into single-member constituencies, subject for the present to provision being made for that reservation of seats for non-Brahman Hindus which the electoral rules now provide for. I am hoping for the time—God grant it may be very soon!--when that reservation may be dispensed with by non-Brahmans themselves. When and if it is dispensed with, there will be no need for two-member constituencies. But so long as it is not dispensed with, none of us wants to force the pace. Therefore, I suggest that it will do to meet the minimum need for providing these 26 or more divisions of Madras with two member constituencies in which one seat ought to be reserved for a Non-Brahman Hindu. I trust that every member of this hon. House will support any move towards dividing our constituencies into single-member constituencies so that democracy may develop on sound lines."

MR. R. MADANAGOPAL NAYUDU :—"Mr. President, Sir, I am sorry I am not able to agree with the hon. Member for the University when he said that mathematically alone there will be a curtailment of the rights of the voters when they are asked to vote for two instead of for four. The right of electing a representative is not a mathematical matter. It is a matter of right that if I can have four persons representing my interest on a particular body I cannot give it up when I am asked to get on with fewer persons. I certainly would prefer being represented by four persons to being represented by only two.

"Then as regards being in intimate touch with one another I think that every Member of this House will see that his argument is not tenable. If you take a voter in Georgetown who may happen to be represented by a member living in Mylapore, who may represent his portion of the city, he will certainly not be nearer his representative, so that that argument will probably hold good in large areas like the districts. And I am sure that it will not hold good for smaller areas like the city of Madras. I therefore feel that the question of intimacy of touch between the elector and the elected is not an argument which seems to be sound so far as these matters are concerned. I therefore think that the existing state of affairs by which each citizen of Madras has the right of electing four representatives does not deserve to be interfered with and it is better that it is continued."

MR. A. RAMASWAMI MUDALIYAR :—"Mr. President, I must respectfully disagree with the propositions laid down before this House by my hon. and learned Friend representing the University. I think that the attitude taken up by the hon. the Law Member on this occasion is perfectly right and that it was fair on his part that he did not give a lead and tell the House what the Government's view was, because it is peculiarly a matter which is within the jurisdiction of the Members of this House.

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“ You know, Mr. President that in the House of Commons the question of electing a member is a thing within the jurisdiction of the House of Commons. The anomaly which exists in this country does not prevail in England. When a vacancy arises, when a by-election takes place, it is the House of Commons that issues the writ for the filling up of the vacancy and it is thought proper that we should adopt ourselves gradually to that policy whereby this House will have the full and plenary jurisdiction over all matters of importance and elections. That is clear and from that point of view I feel that it is but right that the hon. the Law Member has thought it proper to come forward with a proposition of this kind to this House and to ascertain the opinion of this House without making up his mind in regard to this matter though the constitution allows the Government to say that such and such constituency shall be bifurcated. Nor do I agree with my hon. Friend from Cuddapah who, I am sure, on reflection will himself agree that parochial matters,—I shall not use the word that I was about to use—occupy a great portion of the debate in this House 12-45 p.m.

“ Now, Sir, so far as the bifurcation of the City of Madras is concerned, I agree with my hon. Friend, Rao Bahadur O. Tanickachala Chettiyar, that it is not desirable to effect a bifurcation of any constituency. It will be attended with innumerable difficulties to break it into the northern and southern halves. I am living in Kilpauk and I do not exactly know whether I belong to the northern or the southern half and I am at the west end of Madras. There would be great difficulty in practice when you come to say which portions of Madras should go a particular division and which other portions to another division. In the Corporation of Madras the constituencies are so composed, and here we have the two Presidents, the ex-President and the present President who will bear with me, that they have not all the same electorate. There is a certain amount of unevenness and one division has too many electors and another too few. A constituency having some 20 or 30 thousand electors has the same number as another constituency of 10 or 12 thousand electors. If you are now going to split it into the northern and southern divisions, then you will find that there will be too many voters ranged on one side against too few voters on the other side. Again, Sir, the suggestion has been very lightly treated that it is a deprivation of the powers and privileges of the electors. I am a voter myself of the Madras City and as already pointed out it will be a serious deprivation of my rights and powers if I am asked to vote only for two instead of four members and if I am asked to be represented by two instead of by four members. I should certainly consider it a shortening of my privilege to be asked to look to only two instead of four members to redress any of my grievances

“ Again, Sir, the hon. Member for the University spoke of the single-member constituency. May I remind him that in the best of Parliaments and in the most democratic institutions it is the plural-member constituency that is in existence to-day? I have got a list of it in England, Scotland and Wales and all over there are a number of plural-member constituencies. In London, till recently the one square mile area which is known as the City of London, there are four seats and the County of London returns 62 members. Birmingham sends 12 members and Manchester seven or eight and so on and so forth. In the City of London it is a plural constituency

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though the area is very small. Now again, this will be a serious irregularity or anomaly which is peculiar to the City of Madras alone. For I believe the Tanjore district sends three representatives, North Arcot three, Coimbatore three and till the other day when it was bifurcated Kistna sent four representatives. Therefore there is no point in suggesting that the single-member constituency is sought to be introduced for Madras City alone. As we are now attempting to establish Parliamentary traditions we must follow all their principles and electioneering policy and we should try and approximate ourselves to it gradually.

"As regards the system of election, it is within the recollection of hon. Members that a great agitation has been started to say that the single transferrable vote system is the most scientific way by which we can conduct the elections. Under that system it is easily conceivable that the constituency should be a plural-member one. It is only in the Madras University that we have the system of single transferrable vote even for the election of one member and it is an anomaly which with my little knowledge I cannot understand. But it seems to me that if you are going to develop Parliamentary policies, you must have plural-member constituency. So that I may suggest that this is not a step which we may take at the present stage.

"For all these reasons, I think that the time is not yet come for the City of Madras to be bifurcated. At present one part of Madras has thrown in its lot with another part and it not yet time to think of this bifurcation. We may at a later date scrutinize as a whole how far all the districts can have this single member system and the question of Madras City also could be taken up conveniently then. Madras is now having the privilege of rural constituency and even for a moment they should not be disturbed. It seems to me that they have no idea of the difficulties of a rural member and no idea of trouble. The President of the Corporation suggested that we could gather all the voters at the instance of the village headman or the kariam. I can tell him that nothing can be farther from the truth. We have to gather them if at all in dribblets and I can assure him that the trouble and expense is incomparable. On every one of these points I think we must oppose the question of bifurcation of the City of Madras."

* Rao Bahadur C. NATESA MUDALIYAR :—"Sir, Mr. President, I am very thankful to the hon. the Law Member for assuring us that the Government is going to be neutral on this resolution. Before going into the question, let me ask the Member for the University how many times he came into contact with his constituency though it is very small and I desire him. . . ."

* Mr. S. SATYAMURTI :—"On a matter of personal explanation, I may tell my hon. Friend, that I am coming into contact almost daily with my constituency."

* Rao Bahadur C. NATESA MUDALIYAR :—"Still, Sir, we the members representing Madras come into contact with them more often than he can do.

"Sir, I oppose this resolution. My first objection is sentimental. We, the Madrasses, we citizens of Madras, are proud of calling ourselves Madrasses. Members of many families in spite of differences in political ideals and ideas of caste and creed are moving as members of one family. The hon. the Law

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Member is a Madrassé himself having matrimonial connexions with one of the old families. Unfortunately, to some superficial observers Madras was still called the benighted city, but, I say that that name is fast disappearing. Madras is becoming a very beautiful city now (hear, hear). It is very enlightened and is almost leading in every direction (hear, hear). Why should anybody deprive us all the privileges of calling ourselves Madrassés we do not want to be called North Madrassés or the South Madrassés?

"The next point is this. There are in Madras many minority communities which are spread over the whole city and in the time of elections they are able to dictate their own terms. But if Madras is divided, they would helplessly be divided and they would be neglected by those that are standing for elections unless Government is able to give them a separate electorate or other facilities for the representation of those minority communities by means of nomination.

"Sir, Madras comprises of 23,363 acres and has a population of 528,791. The north of Madras is narrow, the middle and the mid-south broad and the south is lightly broader than the north. The north is thickly populated and the south is thinly populated. Is the Government going to divide the municipal divisions into 15 north and 15 south? If so, taking the Fort as the centre the 15 north divisions would be from the Fort to Tiruvattiyur toll-gate. On the other hand the 15 south divisions would be from the Fort to the Kilpauk toll-gate, that is Perambur and from the Fort to the Aminjikarai toll-gate and from the Fort to Saidapet toll-gate and from the Fort to the Adyar toll-gate. It will comprise a bigger division than the north. The north will have a population of about 5 lakhs as against the South which will be left with a population of less than 2 lakhs. So, Sir, Madras is constructed in such a way that it could not be divided. Moreover the voters are enabled under the Act to vote for four persons and why should Government deprive them of that power? So, Sir, I request the Government and I request this Council to vote against this resolution and see that we Madrassés are not divided because we are already divided."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, the manner in which this question has been placed before the House deserves careful consideration. If it should involve a change in the procedure adopted by the Government in matters of allocation of seats I for one would be very glad. I shall be glad if it indicates a change of attitude on the part of the Government to ascertain the views of the representatives of the people in questions regarding matters of allocation of seats and sometimes of allocation of divisions. It would only show that the Government do not wish to take the sole responsibility of dividing these places but wish to leave the discretion to the Members of this Council. If it is only meant that so far as this particular question is concerned, the Government are not willing to express their views I do not think that I can congratulate the Government. It can only show that they are not willing to take us into their confidence as to what is in their minds. If, on the other hand, the hon. the Law Member should tell us that the Executive Council want to become more and more responsible to the Legislature and to be guided by the Legislative Council in matters of this description, I shall welcome such a departure. Having said so much as to the manner in which this question was placed. . . ."

1 p.m.

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* The hon. Sir C. P. RAMASWAMI AYYAR :—" I thought I gave a definite undertaking to the Council that the Government would be guided by the opinion of this Council."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" If it is only regarding a particular matter, without any change in their attitude in general questions. . ."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" My hon. Friend must know very well that this cannot be taken as a test case for a general change of attitude nor a change of attitude to be initiated by the Local Government without regard to the circumstances which will apply to the rest of India."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I find they are not still inclined to change their angle of vision. Having said so much as to the unsatisfactory manner in which this question has been placed before the House, I request the House to approach this question, not on considerations of sentiment or of loss of prestige as Dr. Natesa Mudaliyar has said "

* Rao Bahadur C. NATESA MUDALIYAR :—" Not only sentiment ; there were many other points which I raised."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I will answer those points. The view has been put forward that the Madras City is not to be divided for this purpose, as a voter has the privilege to elect four members and nothing less. I have studied the history of the elections in the various municipalities. When I turn to Nellore municipality, the Nellore rate-payers had a right to vote for six. But later on it was agreed that the unit of election must be as limited as possible. The ward system has been introduced not only in municipalities but also in unions. This only shows that the guiding principle has been that the people must be in a position to get into closer touch with the electorate and that for this purpose electoral divisions must be as limited as possible. While dealing with this question, we should see whether there is any justification for a change of method

" I do not on this occasion wish to discuss in what manner the Madras city is to be divided. Those who know more of the Circumstances and the manner in which electoral centres are constituted in the cities will be in a better position to judge. As regards the general question I disagree with the hon. Member from Cuddapah who thinks that members from the mufassal have no interest in the matter. I think that we have every right to discuss these general questions.

" Again, Sir, we are not satisfied with the franchise which has been given. Representations have been made that the franchise which had been given must still be lowered and that the number of people who go to the poll and the number of voters must be increased. There was a large body of opinion, even at the time of the institution of Reforms, that this extended franchise was not enough. It has been pointed out as one of the objections to the grant of further reforms that unless the franchise is extended more and more and that unless the representatives are elected by the largest number of people we are not entitled to further reforms. When we realize all these things, how can we imagine the possibility of reducing the franchise if we do not at the same time think of splitting the divisions ? If this Council would accept the proposition that in the larger interests of

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the country, the franchise should be extended and that a larger number of people must be brought on the electoral lists, I would request you to consider whether they can ask for such changes unless the electoral divisions are subdivided in a convenient manner. Let us not concern ourselves about the inconvenience of electors or candidates. These are matters which, however valuable in themselves, are of secondary importance. The question ought not to be decided on such considerations. We must take into account larger considerations. If we want to extend the franchise to a larger number of people, the only way is by reducing the electoral constituencies

"Now, as to the City of Madras, I have nothing to say as to the manner in which it is to be divided. It is open to the representatives of the Madras city and to the representatives of the Corporation to suggest proper methods by which that object can be achieved. But so far as the principle is concerned I shall feel sorry if the resolution is not accepted by this Council."

* Mr. J. A. SALDANHA :—"Sir, in dividing the city into two electoral divisions, we shall be following the example of Calcutta and Bombay. Calcutta is divided into five sections, Calcutta South, Calcutta North and so on. Bombay is divided into Bombay North and Bombay South according to population. Bombay North is not so much crowded that it includes five wards, b, c, e, f, and g, and Bombay South which is most crowded consists of only three wards. So, there will not be any difficulty if Madras is divided according to the density of population. It can be divided into wards and sub-wards. Taking the example of English constituencies, Manchester is divided into more than one, Liverpool is divided into more than division, and the larger London, i.e., the county of London which is nothing but the extension of the City of London as pointed out by the Member from Chingleput, is divided into 64 divisions. The City of London which was originally a small city, smaller than the whole of the Madras city, is evidently one constituency, but the rest of London is divided into many constituencies. So we shall be following the example, the sound example, of several other cities, and two other great cities in India in accepting this resolution.

"Madras, Sir, is a very straggling town spread over a large area when compared with Bombay, and the difficulties for people to see one another and to be in close touch with their representatives are great. I think in the interests of economy of labour and energy and also time, and in the interests of the electorates, they should have two separate electoral divisions."

The motion was put and declared lost.

Mr. Sami Venkatachalam Chettiyar demanded a poll, and the House divided thus :—

Ayes.

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| 1. Rao Bahadur C. V. S. Narasimha Raju. | 12. Mr. T. Adinarayana Chettiyar. |
| 2. " T. A. Ramalinga Chettiyar. | 13. " P. Anjaneyulu |
| 3. " A. S. Krishna Rao Pantulu. | 14. " C. Maruthavanam Pillai |
| 4. Mr. J. A. Saldanha | 15. " V. Pantulu Ayyar. |
| 5. " P. Siva Rao. | 16. Sriman Sasibhushan Kath Mahasayo. |
| 6. " A. Ranganatha Mudaliyar. | 17. Mr. Sami Venkatachalam Chettiyar. |
| 7. " M. Gangaraju. | 18. Rai Bahadur T. M. Narasimhaachari. |
| 8. " C. Gopala Menon. | 19. Mr. P. Peddiraju. |
| 9. " K. Koti Reddi. | 20. " M. Sitayya. |
| 10. " P. C. Venkatasatiraju. | 21. " K. Srinivasa Ayyangar. |
| 11. " S. Satyamurti. | |

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Noes.

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| 1. Mr. M. Muhammad Abdulla Ghatala Sahib. | 20. Mr. B. Ramachandra Keddi. |
| 2. " S. Arpudaswami Udayar. | 21. Rao Sahib K. V. Ramachari. |
| 3. " D. Manjappa Heggade. | 22. The Raja of Ramnad. |
| 4. Rao Bahadur O. Tanikaohalam Chettiyar. | 23. Diwan Bahadur M. Krishnan Nayar. |
| 5. " C. Natesa Mudaliyar. | 24. Mr. P. T. Rajan. |
| 6. Mr. P. K. S. A. Arumugha Nadar. | 25. Rao Bahadur P. Raman. |
| 7. " A. Ramaswami Mudaliyar. | 26. Mr. J. D. Samuel. |
| 8. Diwan Bahadur P. C. Ethirajulu Nayudu. | 27. Rao Sahib R. Srinivasan. |
| 9. Mr. N. Devendrudu. | 28. Diwan Bahadur K. Suryanarayana-murti Nayudu. |
| 10. " L. C. Guruswami. | 29. Mr. R. Veerian. |
| 11. Rao Bahadur K. Krishnaswami Nayudu. | 30. " K. Venkatachala Padayachi. |
| 12. Mr. J. Kuppuswami. | 31. " T. M. Narayanaswami Pillai. |
| 13. " R. Madanagopal Nayudu. | 32. Khan Bahadur Haji Abdulla Qasim Sahib. |
| 14. Honorary Lieutenant Madurai. | 33. Mr. Muhammad Qadir Muhi-ud-din Sahib. |
| 15. Mr. B. Muni-swami Nayudu. | 34. Khan Bahadur Muhammad Khalif-ul-lah Sahib, P. |
| 16. " C. Muttayya Mudaliyar. | 35. Mr. T. M. Moidu Sahib. |
| 17. " K. S. Ponnuswami Pillai. | |
| 18. " K. Prabhakaran Tampar. | |
| 19. " K. Raghuchandra Ballal. | |

Neutral.

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| 1. The hon. Sir C. P. Ramaswami Ayyar. | 7. Mr. T. R. Venkatarama Sastriyar. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 8. " G. T. Boag. |
| 3. " Mr. T. E. Moir | 9. " V. Pandrang Row. |
| 4. " Diwan Bahadur T. N. Sivag-nanam Pillai. | 10. " T. Mallesappa. |
| 5. " Rao Bahadur Sir A. P. Patro. | 11. " A. Chidambara Nadar. |
| 6. " The Raja of Panagal. | 12. " C. V. Venkataramana Ayyangar |
| | 13. " V. C. Vellingiri Gounder. |

Ayes 21 : Noes 35 : Neutral 13.

The motion was lost.

VI

THE MADRAS BORSTAL SCHOOLS BILL.

1-1
p.m.

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Sir, I have very great pleasure in presenting the report^a of the Select Committee on the Madras Borstal Schools Bill. I move that the Bill as amended by the Committee be taken into consideration."

The hon. Mr. T. E. MOIR:—"I second it."

Clause 1.

Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*):—"I move that the word 'schools' in clause 1 be omitted. My reason for making this motion is only this: no doubt schools are a very essential and important part of the Act, but there are provisions in part III of the Bill which are not connected wholly with the schools. Borstal is a system which comprises not only schools and school discipline which is part of the idea underlying the Act, but it also provides for persons being released subject to certain conditions as to supervision and so on. So that it is better in naming the Act to call it the Madras Borstal Act rather than the Madras Borstal Schools Act. That is the only reason why I suggest the omission of the word 'schools' from the title of the Bill."

Rao Bahadur V. T. KRISHNAMA ACHARIYAR:—"I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"For the reason given by the hon. the Advocate-General I accept the amendment."

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* Mr. S. SATYAMURTI :—" I rise to a point of order, Sir. Is there any provision for accepting an amendment?"

The hon. the PRESIDENT :—" It is only a mere statement that one agrees with the Mover."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am afraid that the reason given by the hon. the Advocate-General is not quite sufficient to induce us to agree to the change of wording. It was deliberately put in at the time when the Bill was introduced. I know that in some portions of the Bill there are provisions which indicate . . ."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—" The original title was ' Madras Borstal Act.' The word ' schools ' was introduced in the Select Committee."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" The reason for having the word ' schools ' in the short title is to give the impression that the persons sent there will get some education and therefore it is much better to have it. So long as there is provision in the Act for education being given to them I think it is much better to retain the word ' schools '. If there is no provision in the Bill for giving instruction to them I can understand the objection of the hon. the Advocate-General to the word ' schools ' ; but since there is provision for this in the Bill, I am of opinion that we should retain the word. If we now omit the wholesome word ' schools ' it will give rise to the impression that it is intended by this Bill to give a new form of punishment to the offenders."

* Mr. A. RANGANATHA MUDALIYAR :—" Sir, as one who has given notice of some amendments by which I wanted to remove this idea of punishment from the Act, I think I must oppose the proposal of the hon. the Advocate-General. This, Sir, is intended to be a training institution where adolescent and juvenile prisoners may be sent for reformation, and therefore I am against any modification of the wording which will defeat that object and give rise to the impression that they are sent there for punishment."

* Diwan Bahadur M. KRISHNAN NAYAR :—" After all, Sir, it seems to me that the point is not of serious consequence one way or the other. It seems to me that it is probably better to retain the word ' schools '. There is much in sentiment, and my hon. Friend, Mr. Venkataramana Ayyangar who was in the Select Committee, has tabled some amendments the object of which is to see that the ideas contained in this Bill are not in any way associated with a jail. So that there is a strong sentiment with reference to the name of this Bill and that being so I think it is better that we retain the word ' schools ' than omit it. The hon. the Advocate-General has stated that a part of the Bill, namely, Part III, contains provisions which are not connected with a school. No doubt it is so. I doubt very much whether it is possible in all Bills to have a title which connotes all the provisions thereof. I am afraid it will not be possible to have a title like that. It seems to me, with considerable respect to the learned Advocate-General, that that argument by itself is not a sufficient reason why the word ' schools ' should be omitted from the title of the Bill. As I said at the commencement, after all the point is not of serious consequence one way or the other. It seems to me, however, that the balance of advantage is in retaining the word and not in omitting it".

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Mr. R. SRINIVASA AYYANGAR :—“ It seems to me that there is a great deal in the name to be given to the Bill. Out of deference to the large volume of opinion reflected in the Select Committee the Bill was named ‘ The Madras Borstal Schools Bill ’. The intention was that the idea of prison should be taken away from the minds of persons sent to the Borstal schools as far as possible, and that is the reason why, in the place of the word ‘ prison ’ and to dispel from them the idea that they are being sent to a prison called by another name only, the word ‘ schools ’ was deliberately and advisedly put in there. Now, to do away with it is not likely to achieve the object in view. The idea that seems to underlie this Bill is to give some sort of education to those that are sent and retained within the four corners of a certain place. The best way of achieving that idea and the effective way of banishing from the minds of the people sent to the Borstal schools the impression that they are sent to jails only is to retain the word ‘ schools ’ in the short title. I do not think that its retention will in any way embarrass the Government, but on the other hand the carrying out of this amendment is likely to defeat the object in view.”

The hon. the PRESIDENT :—“ I have just one difficulty. I am not concerned with the idea behind the title of the Bill, but with regard to the language of the Act, can any hon. Member enlighten me what ‘ Borstal ’ means ? Is it the name of a thing or of an institution ? ”

* Lieut.-Colonel J. P. CAMERON :—“ Borstal is a village in Kent where this system was first introduced and ever since all over the world this system is known as the ‘ Borstal ’ system. There is no occasion to call the Bill ‘ The Madras Borstal Schools Bill.’ Following the practice all over the world we should call it ‘ the Madras Borstal Bill ’.”

The hon. the PRESIDENT :—“ May I just ask for another piece of information ? I want to know whether these institutions are called Borstals or is the word ‘ institution ’ also used.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ In clause 3 (1) of the Bill it is said : ‘ For the purposes of this Act, the Local Government may establish one or more Borstal schools.’ Now, Sir, the objection raised by my hon. Friends is that the inmates of this institution should regard it as a school and not as a jail. For that purpose, the provisions of the Act are very clear. We are going to establish institutions which are called Borstal schools and the inmates will know them as Borstal schools only and there is no difficulty about it at all. That being the case I hope the House will pass the amendment proposed by the hon. the Advocate-General so that we may have the same name as similar institutions in other countries have.”

The hon. the PRESIDENT :—“ I have just one difficulty yet. Of course I am not concerned with the idea behind the Act. I am concerned only with the elegance of the language of the Act, because there are Acts passed in very inelegant language. It seems to me that the word ‘ Borstal ’ is not used as a noun. From what Lieut.-Colonel Cameron has told us it seems to me that it has been used as an adjective. I do not want that an Act should go out from this legislature in that form. What if the word ‘ institution ’ is substituted for ‘ schools ’ ? ”

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* Mr. C. V. VENKATARAMANA AYYANGAR :—"The Advocate-General and the hon. the Home Member know very well that we had a good deal of discussion on this question in the Select Committee and I thought that it was fairly understood that we might retain the word 'schools'. I believe that even the present institution in Tanjore was under an executive order called the Borstal school."

* Lieut. Colonel J. P. CAMERON :—"It is called Borstal school—largely due to Sir Arthur Knapp who preferred the word School to Institution. It was formerly called Borstal Institution and for the reason already stated the word 'School' was substituted for 'Institution'."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, apart from the 1-30
opinions of individuals there is the fact that the Select Committee resolved P.M.
that the Act should be called the Madras Borstal Schools Act, and there was no minute of dissent by any one in regard to this matter and I do not think even the hon. the Advocate-General has sent notice of this amendment early enough because I do not see it in the notice paper. Now to ask us to agree to his amendment does not seem to me to be reasonable. The hon. the Home Member in introducing the Bill expressed the hope that the Bill would be unanimously accepted, because it does not contain any controversial provisions. Now to ask us to accept this amendment is rather too much because the whole idea is that we should consider the institution as a school. Taking into consideration the age of the boys and girls that are to be there, we are trying our best to see that our boys and girls should not be made to think that they are in any institution other than a school. The hon. the Home Member drew our attention to the fact that Government have got power to institute a Borstal school. That very fact shows that Borstal schools are contemplated under this Act and they can serve as institutions for maintaining discipline among our boys and girls.

"Sir, our purpose would be fully fulfilled if some of our amendments are carried. Still if we are to change the title of the Bill at this time of the day it will not look well. Unless there is very serious objection to adopt the title of 'Borstal Schools Act,' I do not see why our sentiments on this matter should not be respected. I would rather appeal to the Government not to make this a very contentious measure but to agree to the Bill as it is and try to pass it as a non-contentious measure. At present we are accustomed to call this institution as a Borstal school. It has come into official language and the Discharged Prisoners Association, who will take charge of these boys and girls when they are released from Borstal schools, have also adopted that term in their executive orders, and there is no reason why we should not expressly state it in this enactment so as to give more powers to these institutions so that they may adopt less stringent measures towards young boys and girls. I would therefore reciprocate the idea which the hon. the Home Member has advanced and request him to see that this amendment is withdrawn, and that the Bill is unanimously accepted."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"If the Act had been called the Borstal Imprisonment Act, I should certainly have more reason to respect the sentiments of the hon. Member who spoke last, but it is merely called the Borstal Act. It refers only to the name of a system. It does not refer to any institution essentially connected with jails or detention in jails. What I suggest is only this: that Part II of the Bill

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which refers to Borstal schools and discipline given in such schools is the only part that is taken note of in giving the title to the Act. Part III does essentially refer to the Borstal system and if people belonging to Borstal schools are released from there, they are still subjected to a certain amount of supervision. I find no objection taken and there is no suggestion of an amendment that Part III should be omitted. If Part III is there, I think the proper title to the Act would be 'The Madras Borstal Act', rather than the 'Madras Borstal Schools Act'. If the House thinks that the retention of the word 'Schools' will be in keeping with the sentiments of the Members of this Council, I am not wedded to the amendment that I propose. I withdraw my amendment."

The amendment was by leave withdrawn.

The House then adjourned for lunch.

After Lunch (2-30 p.m.)

VII

WITHDRAWAL OF CERTAIN WORDS USED BY A CERTAIN MEMBER TOWARDS THE CHAIR.

* MR. S. SATYAMURTI:—"Sir, before the proceedings after lunch begin, may I ask your leave to make a short personal statement? My attention has been drawn to a comment in a local paper to the effect that I used the word '*Advocate*' in connexion with certain remarks which fell from you yesterday morning with reference to a matter between the hon. Raja of Panagal and myself. I had and I have no intention of saying anything expressly or impliedly to suggest directly or indirectly any kind of disrespect to the chair. I am sure you will agree with me when I claim that I have tried my best throughout my period of membership of this Council to live up to the highest traditions of respect towards the chair. Nothing was farther from my mind than the intention to cast any reflection on the high level of impartiality which I know you are maintaining in that distinguished office. If I have used any word which is liable to misconstruction, I unreservedly apologize and ask your leave and the leave of this House to withdraw the word."

The hon. the PRESIDENT:—"I am very glad to accept the explanation of the hon. Member and the spirit in which it is offered."

VI.—THE MADRAS BORSTAL SCHOOLS BILL—*cont.*

Clause 1—*cont.*

Clause 1 was put, passed and added to the Bill.

Clause 2.

* MR. J. A. SALDANHA:—"I beg to move, Sir, that the following words

'in the case of boys and not less than 14 years of age nor more than 21 years of age in the case of girls'

be added at the end of sub-clause (1).

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“The object of this amendment is to make some distinction between boys and girls that are admitted into these schools. It is hardly necessary for me to point out that the girls who are admitted into these schools should be of a lower age than the boys and that they should be released also at a lower age. This distinction has been clearly recognized by the English writers. The English Borstal school system does not recognize the difference between boys and girls and this lack of distinction has been criticised by English writers in two books called, *English Prisons To-day* and *English Prison system*. I am not aware of how the girls are admitted in the Borstal school at Tanjore; but the hon. Member who has visited the school will, when cases of admission of girls into this school comes up before him, see to the desirability of a lower age in their cases.”

Sriman SASIBHUSHAN RATH Mahasayo :—“ I second the motion.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ Sir, I should like to point out that the corresponding Act in England does not make any distinction between boys and girls. Girls below the age of 16 come under the Children's Act, which we are extending in the Presidency. That being the case, I do not think that my hon. Friend will press this amendment.”

* Mr C. V. VENKATARAMANA AYYANGAR —“ Sir, I would also request the hon. Member to withdraw his amendment; for if this amendment is not carried, the Children's Act would apply to girls below 16 and above 14 also. The terms of the Children's Act will be more favourable than those of this Act. Let us hope that Government will extend the Children's Act to all parts of the Presidency so that girls between the ages of 14 and 16 may come under the purview of that Act.”

* Mr. J. A. SALDANHA :—“ I beg to withdraw the motion.”

The amendment was by leave withdrawn.

* Mr. J. A. SALDANHA :—“ Sir, I beg to move

‘ that in sub-clause (2), line 4, between the words “ disciplinary ” and “ and ” the word “ religious ” be inserted.’

“In the Borstal schools in England great attention is paid to bring religious influence to bear upon the inmates. The same is the case in jails also. In the case of Roman Catholics the priests visit the prisons frequently, conduct services and preach to the prisoners with very satisfactory results. They are allowed to go there on Sundays and other important holidays. The Church of England and other Protestant sects try to bring religious influence to bear upon the inmates of these prisons who belong to their faith. I need hardly dwell upon the importance of religious influence in the moulding of character, especially of these people. It is a well-known fact and eminent authorities have testified to it that the basis of morality is religion. Moral laws have their sanction in religion and without religious sanction they cannot exist. It is the experience of the world. This very House also has recognized this when my hon. Friend Mr. Uppi Sahib made an appeal the other day to make provision for congregational worship to the Muhammadan prisoners in the Alipuram Jail. And the Government, and the hon. the Hon. Member have recognized the importance of congregational religious worship for the Muhammadans. I am not aware whether any special arrangements are made in the case of the Hindus and that is due to the indifference of the Hindu

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gentlemen or perhaps to the fact that there are enormously large number of sects among the Hindus. It may however be noticed that there are sects for that matter among the Christians, among the Muhammadans, and the lack of such facilities for religious education on the part of the Hindu community is therefore largely and mainly due to the want of organized enterprise in introducing religious influences in jails among the Hindus. In so far as I know, in Mangalore the members of the Brahmo Samaj tried to introduce religious education and religious discipline in the jail and I am sure similar attempts will be made everywhere. Without dwelling any further on the importance of religious training in these schools, following the practice in England where great attention is paid in this direction, I move my amendment for acceptance by this House."

Mr. P. ANJANEYULU :—" I second the amendment moved. Even without the word 'disciplinary', I take it that the whole Act is a disciplinary Act. If the word 'religious' be added further, it will be more conducive to the best interests of the persons that will be sent to these schools. For this reason I heartily second this amendment."

* **The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur** :—" I fully realize the importance of religious instruction to the inmates of these schools. But I find in the Bill the words: 'are subject to such disciplinary and moral influences as will be conducive to their reformation'. Moral influences will include religious influences and I think therefore that it is unnecessary to have this amendment."

* **Diwan Bahadur M. KRISHNAN NAYAR** :—" It seems to me, Sir, that the adoption of this amendment may lead to difficulties. For if we insert the word, the phrase will then be 'religious and moral influences'. It will then become necessary to make provision for the imparting of religious instructions, religious teaching,—in the case of the Hindu boys, Hindu religious teaching, in the case of the Muhammadan boys Muhammadan religious teaching and so on. That is likely to lead to all sorts of complications. No doubt in some reformatories and in some jails, Christian Missionaries, Muhammadan Moulvies and Hindu preachers have been allowed to go and preach their respective doctrines to the inmates of the institution. But that is a voluntary act. If it becomes obligatory on the part of the authorities to let in religious teachers of various religions in respect of the various boys, religious teachers should be employed. And the question of the neutrality of Government in matters religious may be affected. There will thus be practical difficulties in the working of the Act if the amendment is adopted. I want at the same time to emphasise that no member of this House is opposed to the imparting of religious instruction wherever possible. But to cast a statutory obligation on the Government will lead to practical difficulties. For this reason and for this reason alone it is safer not to accept the amendment."

* **Mr. C. V. VENKATARAMANA AYYANGAR** :—" I also agree with my hon. Friend who spoke last, but at the same time, I will ask the hon. the Home Member to give an undertaking to include in the rules a provision that religious teachers if available will be permitted to teach the particular communities. There is a little real difficulty so far as the prisoners are concerned at present. For, although the rules now permit the teachers to go and teach the prisoners, it is sometimes very difficult to get a good teacher and

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it may happen that the Government may get at particular teachers who would not be quite welcome to particular communities in the jails or to the parents of the boys or girls in the schools. So instead of making it an obligation on the Government, it is desirable to leave it to their discretion, to include it in the rules so that whenever available the teachers may be allowed to go and teach. I therefore suggest that this motion may not be pressed."

* Mr. J. A. SALDANHA :—" I may point out that as a visitor to the jails, my experience has not been a very pleasant one. There might be and there have been superintendents of jails who are not religiously inclined and who would laugh at every religion. In such cases a priest may find it difficult to gain access to the inmates for he is treated with indifference. By inserting the word, I do not think there is any obligation cast upon the Government to provide religious teachers for each and every class of persons. But where teachers are prepared to come and give lectures, and discourses or hold services, I think the acceptance of this amendment would make it obligatory on a superintendent of the jail or school to admit them or give them facilities. There may not be any difficulties on account of sects because the superintendent should know to what sect a particular prisoner belongs. Surely it would go against the principle of religious neutrality to allow access to any proselytising influences, influences which go against the religion to which the prisoner belongs. I do not therefore see any difficulty at all by the insertion of this word. My object is to provide facilities to prevent any difficulties that might arise on account of the indifference of the superintendent of the jail and would lead to the recognition by the Government of the necessity of such religious instruction. I therefore press my amendment."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I shall remember the suggestion made by my hon. Friend from Coimbatore that in framing the rules a provision on the lines may be inserted. I suppose the present jail rules will apply to the Borstal schools and the question will be examined. As the hon. Member, Diwan Bahadur Krishnan Nayar, has pointed out, practical difficulties might arise and I think it is better to leave the clause as it is "

The amendment was put and lost.

* Rao Sahib R. SRINIVASAN :—" As it is, in the section it appears to me that both males and females are to be in one and the same building and so I move my amendment that at the end of sub-clause (2) the following be added :

'such Borstal schools for males and females shall be separate and far apart'. "

* Mr. J. A. SALDANHA :—" I beg to second it."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I think this is unnecessary. Because the matter will be provided for in the rules that are to be made."

The amendment was by leave withdrawn.

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I move that sub-clause (3) be omitted. The chief object, as I have stated in my minute of dissent, is to take away from these schools all characteristics belonging to prisons. The

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very words: Inspector-General of Prisons, the prison rules, the prison dress and others are likely to introduce the idea of inferiority both in the minds of these unfortunate young men and women and also of the outside public. Even if this sub-clause is omitted, the Government, if necessary, may bring in the Inspector-General of Prisons in the Act. But generally it will be seen from the amendments sent by me and other hon. Members that we do not want anything connected with the prison discipline or the prisons department in this Bill. If it is found necessary to bring in the Inspector-General of Prisons, in any case all that should be done is to add to the word 'Inspector-General', the words 'of prisons'. That may be done in necessary cases. With these words, I move for the deletion of the sub-clause."

Mr. R. SRINIVASA AYYANGAR :—" I second it ".

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I think that the words should remain there and should be defined. For, even in the English Act, the words 'Prison Commissioner' occur and in the Punjab Bill also, powers are conferred upon the Inspector-General of Prisons. After all somebody must look after these institutions. Power is given to the Local Government and the Local Government must appoint some officer and he will naturally be the Inspector-General of Prisons. I do not know the reason why we should not clearly state the officer to whom we really look for the administration of this department in the Act itself."

* Mr. S. SATYAMURTI :—" I regret that my hon. Friend the Home Member should have thought it fit to oppose this small amendment of my hon. Friend from Coimbatore. It will be seen, Mr. President, on looking at this Bill—I am merely anticipating some clauses which will come presently before us—the Inspector-General is referred to in three sections, sections 10, 13 and 15. In these three sections, very large powers are proposed in this Bill to be vested in the Inspector-General, the transfer of persons from ordinary prisons to the Borstal school, the removal of persons from one school to another and release of persons on licence. These powers are very large powers. They ought to be wisely exercised and even the Government, according as the Bill stands at present, does not suggest that the Inspector-General of Prisons is the only competent person to exercise these powers. Because you will notice, Sir, the definition clause includes in the term, any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector-General.

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"It seems to me, Mr. President, that if the hon. the Home Member wants these Borstal schools to serve the beneficent and humane purposes which we all want to see they serve, it is much better that these important powers must be exercised by some officer who has not got—I mean no personal offence—the associations of an Inspector-General of Prisons. After all, he deals with offenders and he is steeped in jail regulations, jail manuals, and deals with criminals who are more or less hardened. My hon. Friend from Coimbatore has said in his dissenting minute, 'I would therefore like that no power is given under the Act to the Inspector-General and that all powers now given to the Inspector-General under the Bill should be given to the Local Government,' and he suggests that the power may be delegated to the Director of Public Instruction, the Director of Industries, the Labour Commissioner or even to the Inspector-General of

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Prisons. These officers may be given discretion. Therefore if this definition goes out, when we come to deal with the operative clauses, 10, 13 and 15, we can devise some phraseology by which this power will be vested in certain officers who will commend themselves better to this House and who may be relied upon to carry out the beneficent intentions of this Act. My hon. Friend the Home Member referred to the fact that in the English statute the words used are 'the Prison Commissioners.' I do not suppose he argues that the Inspector-General of Prisons here corresponds to the Prison Commissioners in England. The analogy therefore does not apply. I would appeal to him to see that the principles of this Act are carried out by vesting these important powers in the Local Government themselves, who may take power to delegate the exercise of those powers from time to time to more acceptable officers or rather officers less accustomed to deal with hardened criminals and old offenders. I therefore venture to appeal to the hon. the Home Member to accept the amendment, and if he does not, I would respectfully ask the House to vote for it."

* Lieutenant-Colonel J. P. CAMERON :—"Sir, the Borstal system is really a measure for the prevention of crime, and so it becomes absolutely necessary, I think, for a Borstal school to come under the Inspector-General of Prisons. It is always the case in England, that the Borstal schools are under the Prison Commissioners because the whole object of the Borstal system is to prevent crime. Therefore these Borstal schools should come under the Home Department and the Inspector-General of Prisons should be invested with the necessary authority for carrying out the provisions of the Act and doing all that is necessary in administering Borstal institutions."

* The hon. Mr. T. E. MOIR :—"Sir, I think the main argument that has been brought against the phraseology of this sub-clause is of a sentimental character. It proceeds from a desire that as far as possible any expression or term shall be removed from the Bill which will draw attention to the essential character of the Bill. Now, Sir, if we are going to do that, I am afraid we must deal on the same lines with sub-clause (1) and sub-clause (2) that are in the Act. It is quite regrettable that human language has not enabled us, to the extent to which we would like, to conceal our objects and intentions. We have defined adolescent offender to mean 'any person who has been convicted of any offence punishable with imprisonment or who has been ordered to give security . . . has failed to do so and who at the time, etc.' We have defined a Borstal school as 'a corrective institution wherein adolescent offenders, . . . are subjected to such disciplinary and moral influences, etc.' We cannot possibly by any use of phraseology or by the omission of any term which is essential to the Bill meet this sentimental objection. And, as regards the position assigned to the Inspector-General of Prisons in the Bill, the hon. Member for the Madras University attempted to draw a distinction between the Inspector-General of Prisons and the Prison Commissioners. Surely, from his point of view, the essential point is the occurrence of the word 'prison', which implies an inevitable association of ideas. I do not think it is possible simply by substituting some other officer or by leaving the expression blank to conceal in any way what is the essential character of the Bill. As for the Inspector-General being the fittest person on whom the Government could rely to administer this Act and to advise them on the numerous difficult questions which will no doubt arise in its administration, I think there can be no doubt

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that it is the Inspector-General of Prisons who ought to be designated as that officer under the Act, because there is no one in this Presidency who is more intimately familiar with the handling of these problems and on whom the Government can rely to carry out the provisions of the Act and solve those problems in a very sympathetic spirit, than that officer."

The amendment was put and lost.

* Mr. J. A. SALDANHA :—" Sir, I propose to add the words 'subject to the approval of the Legislative Council' at the end of sub-clause (4)."

The hon. the PRESIDENT :—" How does the sub-clause read when amended ? "

* Mr. J. A. SALDANHA :—" It reads ' *Prescribed* ' means prescribed by rules made by the Local Government under the provisions of this Act subject to the approval of the Legislative Council."

The hon. the PRESIDENT :—" If the hon. Member want to convey his meaning, does he not think that it would be better to bring in his phrase after the word 'made' rather than after the word 'Act' ? "

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I would suggest the addition of the words 'and approved by the Legislative Council' at the end of the sub-clause, Sir."

The hon. the PRESIDENT :—" The hon. Member may accept the suggestion of the Advocate-General."

Mr. A. RAMASWAMI MUTHALIYAR :—" May I make a suggestion, Sir? Clause 4 says : ' The Local Government may make rules for the purpose of carrying into effect the provisions of this Act ', and the hon. Member himself has given notice of an amendment to that clause. The words 'subject to the approval of the Legislative Council' may be introduced there, in clause 4, instead of in this sub-clause. I think that would be a proper place where we can discuss this question instead of this sub-clause."

* Mr. S. SATYAMURTI :—" I am afraid I cannot agree with the suggestion, because I am almost certain that in every clause the same phraseology is used, and we have to define what it exactly means, that is the word 'prescribed'. If we do not define it in the way we want in this amendment then, 'prescribed' would mean prescribed by executive rules and not subject to the approval of this House."

* Mr. J. A. SALDANHA :—" Sir, I move that the following words be added at the end of sub-clause (4) :—

'and approved by the Legislative Council.'

" My reason for making this motion is this. Legislation by rule-making is a power which is very much in vogue in these days and it is a very extensive power. So that, wherever there is a rule-making provision, I would make it subject to the consent of this House. Not only in this Act but in every Act in future in which rule-making power is provided for, I would urge that it should be subject to the consent of the Legislature. And more so in the case of this great power that is given to the Inspector-General of Prisons and other authorities to drive people into what is called a school which for a long time must be a prison, more or less conducted as a prison until a decent building is provided. It is quite necessary that this rule-making power should be subject to the control of this House. Even in

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England, Sir, it has been pointed out that the Borstal system has not yet gone out of the influences and ideas of prison, and in India I think it will take a very long time until the Borstal system develops into a real training school. I do not attribute any malice to the Government. On the other hand I am sure the Government will do its utmost to make it a real school, but it requires a number of officials, a number of teachers, a number of buildings and expenditure of money on these and other matters. Until then, until experienced people in the Borstal system come up—there are very few in India, in Bombay I know there are only two or even one (I have some knowledge of the Borstal school at Dharwar)—until then, I am afraid lest even this Government with its most liberal intentions would take some time before this system comes into full development. Therefore it is all the more necessary and desirable that the rules which the Government are going to make for this quite novel experiment should be subject to the consent of this House."

Sriman BISWANATH DAS Mahasaya :—" Sir, rules have the force of law. So, the power of rule-making is a very important power which should not be delegated to the executive. I therefore very heartily second this motion."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I have the highest respect for the Legislative Council and I shall be very glad if the Council looks into the rules, but the real difficulty is that the Council will be engaged in more important work than these administrative details. The rules will be published and made available to the Members, and if the Members are not satisfied with these rules, they can put questions to the Member in charge of the portfolio, or bring forward resolutions. In this way they can always bring the matter to the notice of Government. If the rules are to be passed by the Legislative Council, my own impression is that it would retard the administrative machinery as it would take a good deal of time to have the rules passed by the Council. I may also point out that this question was considered by the Select Committee, and they decided against it. They also thought that the Legislative Council has got more important work to do than to attend to all these administrative details, and so they did not pass this proposal. My hon. Friend, Mr. Saldanha, moved this same amendment in the Select Committee, but that committee ruled it out. Under these circumstances, I hope the House will not accept this motion, because it would mean so much delay. The rules will be published and, if the Members are not satisfied, they can bring it to the notice of the Member in charge or interpellate, or move resolutions."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, it seems to me that there will be practical difficulties if this amendment is accepted. Generally I am in favour of rules made under any statute being approved by the Legislative Council, particularly rules with reference to taxation measures. It is necessary in matters like that when new burdens are sought to be imposed on the people that the consent or the approval of the Legislative Council should be obtained. So that with reference to such important matters as taxation, certainly it is desirable that the consent of this Council should be obtained for the rules. But the rules to be made under this Act must necessarily be rules relating to the details of the administration of these schools, and so far as this matter is concerned, it is not likely that the Government will do anything which will not be in the interests of the people concerned or the

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guardians of those unfortunate boys who may have occasion to be detained in these institutions. Also seeing that these matters will relate to the details of administration, I think Government can be safely trusted to pass only such rules as will be beneficial to those people. Therefore, it seems to me that it is unnecessary that these rules should be passed by this Council.

"Again, as regards the particular place where this amendment should come in, I am inclined to agree with my hon. Friend, Mr. Ramaswami Mudaliyar, that this is not the place where the amendment should be made and that even if it is to be accepted at all it must come in under clause 4 in sub-clause (3). That is only a minor matter. But the more important matter is about the desirability and the necessity for accepting such an amendment as this. The safer course would be not to accept it."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, while I agree that this provision should come in later on, I do not agree with my hon. Friend, Mr. Krishnan Nayar, that it is unnecessary to have a provision like this. Such a provision was moved and carried in regard to the State Aid to Industries Act, and, if I remember rightly, in regard to the Madras Survey and Boundaries Act. At first the Government reserved for themselves this power, and I think they finally agreed that these rules should come up before the Council in one way or another, and be subject to their approval. I think it is now too late for the Government to say that they require absolute powers in this matter. I should like to know from the hon. the Home Member whether a resolution which may be passed in this Council later on would be more binding on the Government than a provision which is incorporated in the Act itself."

* Mr. S. SATYAMURTI:—"May I make one suggestion to the hon. the Home Member? I have examined the Bill cursorily and I find the word 'prescribed' used only once and that in section 16. Prima facie, it seems to me somewhat of a waste of words to define a word in a Bill when you have use for it only once. Moreover, Mr. President, you will see that section 16 says:

'Every licence granted under section 15 shall be in such form and shall contain such conditions as may be prescribed.'

"But if you turn to clause 4, you will find that that clause really gives the Government power to make rules for the purpose of carrying into effect the provisions of this Act. Therefore, this definition clause is a surplusage. Rather than discussing this matter now, I would suggest that we can discuss this matter when we come to clause 4 as suggested by my hon. Friend for Chingleput. Meantime, Government may as well withdraw this clause. If you, Sir, will permit and the House permits, I will move that this definition be deleted. There is nothing lost by that course. Both the prescription of the powers in one or other sense, and the power of making rules is specifically provided in clause 4 of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I should like to point out that it was put in by the Select Committee, but I have no objection to delete it."

The hon. the PRESIDENT:—"Then, the hon. Member, Mr. Satyamurti will formally move an amendment to delete the sub-clause."

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* Mr. S. SATYAMURTI :—“ Sir, I formally move that sub-clause (4) of clause 2 be deleted.”

* Mr. J. A. SALDANHA :—“ I beg to second it.”

The amendment was put and carried, the original amendment of Mr. Saldanha having been withdrawn.

Clause 2 as amended was then put, passed and added to the Bill

Clause 3.

* Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I beg to move—

‘ That in sub-clause (1) after the word “ more ”, the word “ separate ” be inserted and at the end the words “ for boys and girls ” be added ’

‘ I think, Sir, it is objectionable to keep girls in the same institution as the one meant for boys, and in other countries there are always separate Borstal institutions for boys and girls. That is the reason why I move this amendment.’

The hon. the PRESIDENT :—“ May I ask the hon. Member how the word ‘ separate ’ conveys that meaning ? Better to say at the end of the clause ‘ separate for boys and girls ’.”

* Mr. A. RANGANATHA MUDALIYAR :—“ Yes, Sir, I move it in that form.”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I second it.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I do not see any reason why such a provision should be made. I can give the assurance to this House that boys and girls will be kept in separate institutions. I do not think any statutory provision is necessary for it. In the rules we can make the necessary provision.”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I wish to point out that on a principle which is accepted by all of us there ought to be no difficulty in incorporating it in the statute itself. Because the conditions in our country are peculiar ; it is necessary that there should be separate institutions for boys and girls. If we relegate it to the rules there is the danger of persons in office for the time being having their own views regarding the matter. So far as the principle is concerned, it may be that the Home Member, who is now in charge of the department, is agreeable to it. But at the same time the danger of some one else in his place taking a different view on a future occasion is not kept out. When once we agree, in view of the peculiar conditions of this country are concerned, that there ought to be separate institutions, it is better to have a statutory provision.”

* The hon. Mr. T. E. MOIR :—“ Perhaps, Sir, it will help the members of this Council to come to decision on this point, if I pass on to them information which I have just got from Lieutenant-Colonel Cameron, which is to the effect that in the whole Presidency there is only one or perhaps two girls to whom this Act would apply, and it seems to me under the circumstances somewhat superfluous to provide in the statute itself that there ought to be separate accommodation or separate institutions in respect of girls. Because we have no intention of starting a separate institution under this Act, and we may surely trust that we shall never have any cause to do so.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ I may just say a word, Sir. This is only an enabling Act and even supposing that there is a large

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number of girls, or if the number of girls fit to be sent to these Borstal schools becomes large, the Government must establish separate Borstal schools. That would mean that no girls, however small their number be, should not be put in Borstal schools along with the boys. I do not think therefore that this amendment should be thrown out. There may be only one or two girls now. If we once grant this principle that in these schools boys and girls should not be mixed up, the objections raised would not stand. Because, if you study the whole Act, the Government is not at all bound to establish those schools. If it be one or two girls, they may send them to institutions like orphanages instead of mixing them up with boys, calling such an orphanage as a Borstal institution for this purpose. Therefore, however small the number may be, the principle should be accepted. If the hon. Member undertakes and if the House is satisfied, we should once for all establish the understanding that, even if the number be small the girls should not be mixed up with the boys."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I shall with pleasure give the undertaking that Borstal schools for girls will be quite separate from those for boys."

* Mr. A. RANGANATHA MUDALIYAR :—" May I pass on for the information of the hon. Mr. Moir that magistrates at times find it difficult to deal suitably with girls for want of Borstal institutions for them? I know the difficulty the District Magistrate of Bellary was in when he found that there was no Borstal school for girls and he could not send the girl to prison. He had to do something else which was very unsatisfactory."

* Lieut.-Col J. P. CAMFRON :—" In those circumstances, the girl would be committed to a female prison and placed under modified Borstal training. There is really no necessity for a separate Borstal institution for girls. When girls are convicted arrangements can always be made to separate them in a female prison and give them modified Borstal training."

* Rao Sahib R. SRINIVASAN :—" As the age of girls has now been raised to 21 in this Bill, there may be more girls coming into these Borstal schools than at present. There may be only one or two now. Till now, girls of over 13 or 14 years were considered to be women. Now, according to this Bill, they will be girls until they attain the age of 21 years and so there is likely to be an increase in the number of girl prisoners who should be provided with separate Borstal schools."

The hon. the PRESIDENT :—" Does the hon. Member Mr. Ranganatha Mudaliyar press his amendment? "

* Mr. A. RANGANATHA MUDALIYAR :—" I see no reason to withdraw the amendment, and the principle is conceded."

The amendment was put and lost.

* Rao Sahib R. SRINIVASAN :—" I beg to move my amendment which is :

In line 1 of sub-clause (2) for the words 'visiting committee' substitute the words 'Board of visitors consisting of such members residing in an area to which this Act is extended, with the district magistrate or subdivisional magistrate of the locality in which the Borstal school is situate, as its chairman, for such period, and with such allowance.'

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" I take it, Sir, that a committee is formed only for doing a specific work for a temporary time, whereas when we have a certain body of men to carry on a particular function under an Act, we should have what we call here a 'standing committee'. Especially in a case like the supervision of a Borstal school, they may be called a 'Board'. It will be more proper to call it so.

" Again, among the visitors if the chairman be the district magistrate or the subdivisional magistrate, he will be a more fit and proper person to attend to these duties, because he generally tries these boys and girls and he will be in a position to understand the nature of these schools and to deal with the boys and girls properly. Besides that, they would have more experience of these matters than the ordinary men who may be gentlemen and also very good men. That is why I have suggested 'district magistrates or subdivisional magistrates'." 3-30
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* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I second it. "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I think it is unnecessary to make this provision. For, under the rules framed under clause 4 (2) (c) of this Bill I think the constitution of this visiting committee may be made. Then, again, it may be that Government may appoint a non-official as the chairman (hear, hear). Under these circumstances, I hope the hon. Mover will see his way to withdraw the motion. "

The amendment was by leave withdrawn.

* Mr. S. SATYAMURTI :—" Sir, may I have your leave to move an amendment at this stage which has become consequential? I am sorry that when I moved to delete the definition of the word 'prescribed' a few minutes ago, I did not notice that this was one of the clauses in which that word occurred. The omission to notice this was excusable on my part but not excusable on the part of the Treasury Bench. You will notice that under clause 4 (2) the Government are given power to make certain rules in certain cases. With your leave, unless of course the Advocate-General will propose an amendment in a better form, I wish to move for the substitution of the words 'by the local Government' for the words 'in such manner as may be prescribed'."

* Mr. A. RANGANATHA MUDALIYAR :—" I second it. "

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, the Advocate-General was about to move an amendment to that effect and I am glad that the hon. Member Mr. Satyamurti has moved it. I accept the amendment."

The amendment was then put to the House and carried.

* Rao Sahib R. SRINIVASAN :—" I beg to move for the addition of the following at the end of sub-clause (2) :—

In addition, all members of the Executive and Legislative Councils, all Judges of the High Court, ministers of religion and members of board of visitors of any convict prison, shall be entitled to visit any adolescent offender detained in the Borstal School and all such persons shall further be entitled to have access at convenient times to every adolescent offender in the Borstal School. Parents or guardian of any inmate of the school shall have access to him or her periodically as prescribed.

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Sir, I find it is necessary that these adolescent persons should have access for all these persons that I have mentioned in the amendment and particularly the parents should be able to see them when they want to periodically. I know by experience that these young people are kept out from them."

Mr. R. VEERIAN :—" I second the amendment."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, as I have said with reference to another motion these are all matters which would have to come up when we make the rules for the constitution of the committee. Under these circumstances, I ask this House to reject the amendment."

The amendment was put to vote and lost.

Clause 3 as amended was then put, passed and added to the Bill.

Clause 4.

* Mr. A. RANGANATHA MUDALIYAR :—" I beg to move the following amendment :

After the words ' make rules ' in sub-clause (1), insert the words ' subject to the approval of the Legislative Council '.

" With the amendment the clause will then read as follows :—

The Local Government may make rules subject to the approval of the Legislative Council for the purpose of, etc.

" I do not want to take up the time of the House with any speech. The rules proposed to be framed should be placed before this House and the Legislative Council should have an opportunity of expressing its approval or disapproval of the rules."

Mr. T. M. NARAYANASWAMI PILLAI :—" I second the motion."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I have to oppose this amendment for the reasons given by me on a previous motion. It will only have the effect of retarding the working of the machinery. As I have said before, if the Legislative Council has to pass these rules, then it will mean that these rules have to be placed before it and should be lying for a long time on the table of the House, because the Council will be engaged with more important business and as a matter of fact the hon. Members have not been able to complete the agenda before them for the last two meetings and this very Bill had to remain on the agenda for a long time before it was taken up. I think in these matters the House might leave the Government to frame these rules and if necessary they may have elucidation on any particular matter by means of interpellations and so forth."

* Mr. S. SATYAMURTI :—" Sir, I must congratulate the hon. the Home Member on the very clever and courteous way in which he invites us in this House to take a very liberal view in this matter. He says we are too busy and he asks that these things had better be left to themselves because we are very busy with very important matters. I ask what is that important business ?"

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Why, Sir, we have not been able to finish the agenda for the last two meetings ?"

* Mr. S. SATYAMURTI :—" Whose agenda, Sir ? Is it the Official or the non-Official agenda ? If the Official agenda is not finished the course is

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obvious. His Excellency is at the head of affairs and His Excellency has the discretion to allot any particular day to any kind of business. Still, if they are not able to finish the agenda, they have to thank themselves."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" The hon. Members themselves want to go away as early as possible."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" I do not remember there was any occasion when it was represented on behalf of the non-officials that they wanted to go away shirking their duties in this Council. It is only the exigency of the working of the official business that is guiding the work of the House and in fact there were some occasions when there was an inclination to forego non-official business. We never shirked responsibility as far as official agenda was concerned."

* Mr. S. SATYAMURTI :—" Sir, the Leader of the Opposition has effectively answered the charge of the hon. the Home Member and his eloquent silence is proof of the truth of the statement that has been made by the Leader of the Opposition. So that the hon. the Home Member has put forward an idle argument that the Government cannot get their business transacted. No Government has ever said that they could not get their business transacted, and even in the House of Commons we have never heard of any such thing. If the Government take the Council seriously, I do not think why Members of Government should not work as hard as Members in other parts with greater vigilance and finish the official work."

" Then, Sir, my hon. Friend says that this is not important enough work. If the hon. Members will turn to the Bill they will find that the powers for which the rules may be made are prescribed in sub-clause(2) of section 4.

" You will find :

' (2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal schools established under this Act ;
- (b) the appointment, powers and duties of officials in such schools ;
- (c) the constitution, powers and duties of visiting Committees ;
- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates ;
- (e) the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal schools.'

" In India latterly when the legislative councils have been given substantial powers to frame legislation, the executive is developing the art of presenting almost skeleton Bills and getting them passed. This is, for instance, a skeleton Bill, and all substantial and vital matters which will really give a shape and a form to it are asked to be dealt with by the executive. Because they want to have power to make these rules, we ask that these rules should be placed before the House and the assent of the Council should be obtained before they are brought to force. Then alone shall we have a guarantee that the Government have not introduced any new changes and that the rules have been framed by us practically, though the initiative must come and will come from the Government. I do not know how this question is going to be treated by the Ministerialists. But I respectfully appeal to them to see that this question is one affecting the rights of the Council,

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and not any section of the House and as a majority party it is up to them to help us to develop to traditions of this House. I hope the hon. Member for the Government will support me, but I am afraid the hon. the Home Member is too courteous to do that. Anyway it will be up to us to tell them that we are come here to legislate and not to make a farce of a piece of legislation given to us."

Mr. R. SRINIVASA AYYANGAR :— "I thought the reasons in favour of the amendment were so obvious that the hon. the Home Member would agree to it and give his acceptance to the proposal. But the reason that he gave us for not accepting it is that though he has every confidence in us we are too busy to find time to apply ourselves to Government business. My effective answer to that is it is only about two months ago that the draft framed for the Cotton Transport Act was tabled by the Development Minister. Those rules came up before us and were discussed by us. Similar provisions exist in the Survey Act and also in the Irrigation Bill which is still in the stage of a Bill though it was passed some months ago by this Council. Oftentimes we insist upon the rule making power being made subject to sanction being accorded by the Legislative Council.

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"It is not that we are anxious to encroach upon the powers of the Local Government, but we are anxious that nothing should be done behind our back, nothing should be done without our attention being focussed on it by means of a resolution tabled by the Government as suggested, by placing the rules before the House. The hon. the Home Member said that we have two courses open, I agree with him, one of the two courses being the right of interpellation—and you know exactly in what way answers are promised to our interpellations. As for resolutions, the less said the better; for resolutions may never get through the tyranny of the ballot box, and if we insist on our exercising the right, we are asked to wait until we manage to secure our rights through the ballot box, which is asking us too much. It is an indirect way of stating 'though we have every confidence in you, leave us alone, trust us; so far as the framing of these rules are concerned you can trust us; and therefore however much we may be anxious to take you into our confidence, so far as the framing of the rules are concerned, we are not prepared to take you into our confidence.' Though the Government are not prepared to state so in express terms, by implication it comes to that. And as the hon. the Member for the University said, these constitute the vital issue of the Bill. We, Members of the Council, insist on these rules being placed before us for discussion and only to be made to take effect after they have received the approval of the Council. It is a vital matter upon which we feel very strongly."

Mr. T. M. NARAYANASWAMI PILLAI :— "Mr. President, the hon. the Home Member has not given us any valid reasons as to why this amendment should not be accepted. He agrees that this is rightly a matter which ought to come before the Council but there are other reasons why it should not so come. He gave two reasons: one is that it will retard the business and it will not put the administrative machinery into motion. I think that will not hold good, for it is conceded that the subjects in respect of which these rules are sought to be framed partake of the nature of laws. Whatever practical difficulties there may be, they ought to come before the Council and get its approval before they have a binding character. If they are to have

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the binding character of laws, the machinery through which they have to pass must be adapted for the purpose. Secondly he said, 'we are too busy and therefore it is not necessary to place these before the Legislative Council'. That argument has already been met, and I do not want to trouble the Council with that. Thirdly, again, he said that if the Council were dissatisfied with the rules as framed, surely there were other methods by which the Council can take cognizance of these things, namely, interpellations and resolutions. I need not point out to this House how effective these methods would be. What would be the effect of an interpellation? Is it necessary that the Government should accept that interpellation or accept any principle which is sought to be embodied in it? What is the way in which we can move resolutions before the House? If the hon. the Home Member thinks that it is difficult for him to place these things before the Council, it will be much more difficult for us to move these things by means of resolutions and get them passed. After all, a resolution is not binding upon the Government. Such is the unsubstantial nature of the remedy suggested. As he seems to concede that the objects in respect of these rules sought to be framed partake of the nature of laws, it won't do for him to say that there are other remedies. As already stated, the remedies are unsubstantial and illusory. With these words I beg to support the amendment."

Mr. A. RAMASWAMI MUDALIYAR :—"Sir, I feel bound to say that there is a great deal of justification for the attitude of the hon. the Home Member. In the present state of work in the Council and the nature of rules that are intended to be framed by Government, some amount of administrative inconvenience is bound to result if every rule is to be framed and placed before the Legislative Council for approval. For instance, in the particular section we are discussing, rules are intended to be framed for the control and management of Borstal schools, the appointment, powers and duties of officials, the classification, treatment, maintenance, education, industrial training and control of the inmates, and so on and so forth. Most of these rules are bound to be of a very important nature, others are bound to be of very minute detail that it will be hardly worth while having them discussed in the Legislative Council. Having said that and also taking into account the inconvenience administratively which the hon. the Home Member adverted to in his speech, I am bound to express my opinion that during the last four years in any case, this Council has taken a consistent attitude that wherever possible the rule-making powers of Government ought to be approved by the Council. Two Bills have become Acts as already referred to by the hon. Member for Bellary. These are Survey and Boundaries Act introduced by an hon. Member on the Reserved side and the State Aid to Industries Act introduced by an hon. Member on the Transferred side of the Government. I may add the example of another Bill which is yet to become an Act, the Irrigation Bill, under which the rules to be framed by the Government are subject to the acceptance of the Legislative Council. Consistently with these precedents, I do not think it will be open for any of us to suggest that these rules ought not to be placed before the Council for their acceptance. In connexion with the rule-making power of the Government, the Legislative Council has taken up a double attitude, one that some rules should be actively approved of by the Legislative Council, secondly that some rules may be placed on the table of the Legislative Council for a definite period before they come into active operation. We

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have followed the precedent that has been set before us by the mother of parliaments where rules are classified into two classes, some which ought to be positively accepted by the House of Commons and some which have to be negatively accepted by the House of Commons, if I may use that phrase. Unfortunately, so far as this particular amendment is concerned, no provision has been made for such a contingency. I feel bound to say that in this section there are rules which will be quite sufficient to merely place on the table of this House for a definite period, and there are rules again which it will be advisable to get the active acceptance of the Council before they come into operation. But since an amendment has been given that these rules should be approved by the Legislative Council, consistently with the position taken by us hitherto, we ought to support the amendment. I therefore beg of the hon. the Home Member to accept the amendment, not because we feel we ought to restrict his powers, but inasmuch as that has been the sequence how the rule-making powers of the Government have been controlled by this Legislative Council at every stage when such rule-making powers have been placed before the Council for acceptance."

* Rao Bahadur C. V. S. NARASIMHA RAJU. — "Mr. President, Sir, rule making is subsidiary legislation, and we must take into consideration the existing constitution. Regarding Reserved subjects, subsidiary legislation does not rest with the House. It has been brought to the notice of this House that regarding the Survey and Boundaries Act, as far as my recollection goes, I do not think it was said that the rules ought to be approved by this Council. They are simply to be laid on the table of this House. Regarding State Aid to Industries Act, the rules have to be approved by this House because it is a Transferred subject. It only means that this Legislature did not delegate its subsidiary legislating power to the executive. Regarding the Reserved subjects, I do not think that under the present constitution we can claim such a thing. But in the Irrigation Bill, this Council did pass an amendment to the effect that the rule shall be approved by this House, that the only way the Government can have their Reserved rights exercised is by introducing these rules in the form of a Bill. Therefore, in all legislation concerning Reserved subjects, the better course will be to divide the rules into two classes, those which deal entirely with the administrative branch—I think the House will be satisfied if they are laid on the table of this House for a definite period before they become law—and those which really involve certain principles. Take for instance clause 4 (2) (c), the constitution, powers and duties of the visiting committees. The constitution of the visiting committees may be an important subject and the Council may claim to have an opportunity of expressing its view on the subject. In all these matters I think it will be very convenient for the Government to introduce such portion of the rules in the form of a Bill, subsidiary Bill, so that the House may have an opportunity of expressing its opinion and amending it as it thinks fit. If the amendments carried by the Council are such as His Excellency the Governor cannot accept, he has got under the constitution quite different remedies; the executive will not have any voice in the matter. When once the Bill is passed, His Excellency the Governor, because he is responsible to another body, has to exercise his rights. This is quite different from the executive taking subsidiary legislation entirely into their hands.

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When this Council is not willing to delegate such powers, I do not think the hon. the Home Member will be justified in demanding them as a matter of right."

* The hon. Mr. T. E. MOIR :—" Personally, Sir, I must assure the House that the Government have no desire in their attitude towards this particular issue to do anything or ask the House to do anything beyond what in their opinion would be necessary or conducive to carry out the wishes and intentions of the House as expressed in the Bill. Now, I think if hon. Members will look into the matters which are referred to in sub-clause (2) they will realize that, if all these matters can be dealt with only if and when this House happens to be sitting and they are in a position to give its approval to any matter coming under the rules, no matter what that is, the administration of the Act will be exceedingly difficult and in many cases will be prejudicial to the inmates of those institutions, because it may be found that some rule, whether it is introduced with the approval of the Government or with the approval of this House, might be found to work to the prejudice of those inmates, and yet it would be impossible for the Government or those responsible for the management of those institutions to effect any change in such a rule until they were in a position to get the approval of the House.

"When my hon. Colleague referred to the difficulty of a legislature 4 p.m. dealing with minor matters, it was not with any desire to in any way minimize the powers of this House, but simply to point out the difficulties inevitable to the conduct of business in any Legislative Council or Assembly. If it were possible for a legislature to deal with all these points if time permitted it and if physical endurance permitted it, presumably the legislature would so deal with them. But the fact is that in this as in every country in the world where there is a legislature it is found that the rule-making power is essential and that is why rule-making powers are provided for under practically every legislative measure of any importance. Because, it is impossible for a legislature itself to attempt to deal with every point that might arise in the administration of an Act. My hon. Colleague had no intention of going further than that. But we heard both from the Leader of the Opposition and from Mr. Ramaswami Mudaliyar suggestions which I think it would be worth while further to explore. As the hon. the Leader of the Opposition pointed out the rules can be divided into two categories. One is rules of that character which it is essential or advisable to allow to be adjusted from time to time without any further interference, or unless we see fit under the ordinary procedure for correction on the part of the legislature, and the other is those rules to which it is desirable that the legislature should, when the rules are initiated, give its imprimatur. I would suggest that possibly that suggestion might be further explored. I think that the House will readily agree that rules as to the appointment and powers of officials in such schools if subjected to the approval of the House before they are brought into effect would seriously embarrass the administration of the Act and I am sure that no Member of the House wishes to do that. The hon. the Leader of the Opposition pointed out and I think quite rightly that as regards sub-clause (c) the House would wish to retain power in its own hands to say whether it approves of the rules regulating the powers and duties of the visiting committees appointed by the Government. Perhaps it might be possible to agree to this. Now, therefore,

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I suggest that unless agreement is come to now on the floor of the House as to which should be subject to the approval of the House, further consideration of this particular issue should be adjourned. We should see whether some arrangement cannot be come to whereby essential matters would be reserved for the legislature and the rest, viz., matters connected with the non-essentials would be left to the discretion of the authorities, so that discussion might be free from impediment and the difficulties to which a general rule that all rules should be placed before the House is subject to may be got over.

"The hon. the Leader of the Opposition has pointed out and quite rightly that in the case of the Madras Survey and Boundaries Act, the provision is that all such rules should be laid before the Legislative Council for a period of not less than two months provided the Council is in session. I think I may say that we are prepared, if that is regarded as a solution, to accept a similar rule in respect of this Act. But I rather gathered from the Leader of the Opposition that he preferred if possible to divide the subject-matter of these rules into two categories which would be dealt with according to their importance, and, if he and other Members of the House prefer that course, with your permission, Sir, I would propose that the further consideration of this particular amendment be postponed. Again, Sir, if I am in order in making this suggestion I would suggest that we proceed with the discussion of the further amendments."

The hon. the PRESIDENT :—"All the amendments are only those relating to sub-clause (1) of clause 4?"

* The hon. Mr. T. E. MOIR :—"All the amendments to this clause, if the House will permit it, should stand over."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—"May I make a suggestion, Sir? The proposal I understand to be to divide the rules into two classes and to deal with each set by two different provisions. Of the two Acts referred to, there is a provision in the State Aid to Industries Act V of 1923 which perhaps might be applied to both classes of cases alike. If the House does not approve of this method of subjecting both sets of rules to the same scrutiny but prefers to divide the rules into two classes one being subjected to the special express approval of the House and the other to be simply laid on the table of the House allowing Members of the House to move resolutions if necessary I suggest that this might be adopted in both cases. If that is not acceptable, then perhaps it may be postponed and considered whether the House should divide it into two classes. Under section 19 of the State Aid to Industries Act, 'the local Government may make rules to carry out . . . ' and then it specifies particular subjects which ought to be made the subject of rule-making power. It is finally provided that such rules should be laid on the table of the Legislative Council and notified in the Gazette one month after which they shall have the force of law unless amended by the Legislative Council within that period or if the Council is sitting within that period at its next meeting. If that is adopted possibly that might apply to both sets of rules. I recognize the consideration suggested by the hon. Mr. Moir that it might give rise to some inconvenience. There are rules which might require to be put into force immediately where one month's delay or delay up to the next meeting of the Council might produce grave inconvenience. Whether that would give rise to trouble in the

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case of some rules that might be passed under section 4 is a matter for consideration. I am only making a suggestion that this provision of the State Aid to Industries Act may be adopted in the case of all rules that may be made under section 4. If my suggestion is accepted a separate clause may be added or an amendment of which notice has been given may be considered if it will meet with the desire of the House. But if the House desires that the power of definitely and expressly approving the rules should be vested in them, of course it would be necessary to divide the rules into two classes as suggested by the hon. the Leader of the Opposition and this matter might be allowed to stand over till to-morrow."

The hon. the PRESIDENT :—"Has the hon. Mr. Moir made a definite suggestion?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"There is one difficulty in accepting what was proposed by the hon. the Advocate-General and that is this. If the rules are going to be placed on the table of the House and if private members are to move their motions on them, those motions will be considered only along with other resolutions, and they will have to run the gauntlet of the ballot. That would mean that no opportunity would be given to members to discuss these rules. I do not think the proposal of the hon. the Advocate-General will give any sort of right whatever to the hon. Members to discuss the rules. Therefore that amendment would not help us very much. What is required now is that the rules should come before the House definitely. . ."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"I only wish to say that there is a similar provision in the Statute already. The difficulty mentioned by my hon. Friend will apply equally to that."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR — 'The fact that once we have made a mistake is not a reason why we should repeat it. (Mr. A. Ranganatha Mudaliyar. 'Hear, hear') So I do not think that as it has been admitted by the other side that at least with reference to certain matters the views of the Council ought to be ascertained, they are right in making their present proposal. I think the only way in which the real view of the House can be ascertained is by placing the matter on the table of the House and by taking its opinion thereon. Anything short of a positive approval of the House will not meet the situation. I quite agree that it is not necessary that with reference to every one of these items a positive approval of the House is necessary. So, personally, I would have no objection to divide the subjects on which rules have to be framed into two sets and getting the positive approval of the House with reference to the more important of them. Anything less than that would be of no use, and the remedy suggested by the hon. the Advocate-General will be only illusory."

The hon. the PRESIDENT :—"Will Mr. Moir make a definite motion?"

* The hon. Mr. T. E. MOIR :—"I think that the further consideration of this clause and the other amendments appertaining to it may be postponed. I hope that it would meet with the wishes of the Leader of the Opposition."

The hon. the PRESIDENT :—"May I ask him whether he wants the consideration of the whole clause to be postponed? Do the sub-clauses hang together? I think sub-clause (2) of clause 4 stands by itself."

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* The hon. Mr. T. E. MOIR :—“ If I may explain, Sir, it seems to me that if any agreement is to be arrived at with reference to the general question, then it must necessarily apply to sub-clauses (2) and (3). For example, if the particular matter which is described under (a) to (e) in sub-clause (2) is to be divided into two categories, and further, as regards sub-clause (3), if the further provision is to be made as to how the rules are to be dealt with when framed, it seems to me that if we are going to postpone consideration of sub-clause (1) it would be equally necessary to postpone consideration of sub-clauses (2) and (3). I therefore formally move that further consideration of clause 4 of the Bill be postponed, and, if it is necessary, I will further move that consideration be resumed when the other clauses of the Bill have been disposed of.”

* Mr. J. A. SALDANHA :—“ I second it.”

4-15
p m.

* Mr. A. RANGANATHA MUDALIYAR :—“ Whatever may be said as regards sub-clauses (1) and (3), surely the arguments of the hon. the Finance Member do not apply to sub-clause (2). You will find from the amendments which have been tabled under this sub-clause that certain other subjects are sought to be added to the items already enumerated in sub-clause (2). Before we make up our minds as to whether these subjects should or should not come under one classification or the other, we must proceed with sub-clause (2), and subsequently we can go to sub-clause (1) and say which of the subjects mentioned therein should come as a matter of course for affirmative sanction, and which of them have to be placed on the table of the House per contra.”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ If the hon. the Mover of the amendment withdraws his amendment or the House decides about it one way or the other, probably we may be in a position to consider about the classification of the various items under sub-clauses (1) and (3) as to which of them should come for the affirmative sanction of the Legislative Council and which not. I do not think that the postponement of the discussion of all the amendments will serve any useful purpose. There are some who hold that view, notwithstanding all that has been said to the contrary, that there will not be much difficulty nor any inconvenience if all the subjects are placed for the affirmative approval of the Legislative Council even apart from carrying out certain modifications on the lines suggested by the hon. the Advocate-General. Attention was drawn to the fact that if it is laid down that the rules which are to be made with reference to sub-clause 4 (2) (b) relating to the powers and duties of officials in Borstal schools ought to receive the affirmative sanction of the Legislative Council, it would not be conducive to the efficient working of the Act. But that is quite a different thing. However, I should think that there is no serious impediment in the way of the whole thing being placed before the Legislative Council. My suggestion is that unless the hon. Movers of the amendments under sub-clause (2) withdraw them or unless the House comes to a decision as to whether it is desirable or not desirable to bring all the subjects before the Legislative Council for its affirmative sanction, no useful purpose will be served by getting these amendments also postponed. If these amendments are carried or lost, then it will be time enough for the further consideration of sub-clauses (1) and (3) and the classification of the various sub-heads therein under one category or the other. For these reasons postponement of the consideration of the whole thing is not desirable.”

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*Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I not also appeal to the hon. the Finance Member to exclude my amendment from his proposition for postponement. My amendment is No. 16 on the paper which runs thus :—‘ 16. *Add the following at the end :—“(f) dress, discipline, offences and penalties regarding the inmates of Borstal schools”.*’ It has got connexion with my amendment No. 20 to clause 5. Therefore the two are to go practically together. There is nothing in my amendment with which this Council does not agree. If the Council by a majority wants that sub-clauses (1) and (3) should be postponed for to-morrow, we can have the discussion on them to-morrow. So far as sub-clause (2) is concerned, it has nothing to do with those clauses. I would therefore request the hon. the Finance Member to see whether the discussion of sub-clauses (1) and (3) alone cannot be postponed for to-morrow.”

*The hon. Mr. P. E. MOIR :—“ I am not sure if I fully understand the intention of the two hon. Members who spoke last. I think that the two hon. Members apprehend that if the consideration of their amendments is postponed, they will fail to come under consideration to-morrow.”

*Mr. A. RANGANATHA MUDALIYAR :—“ That is not my point. Unless these two amendments are discussed and disposed of now, we shall not be in a position to-morrow to define which of them should come for the affirmative sanction of the Council and which not.”

*The hon. Mr. T. E. MOIR :—“ I think I do now understand the previous speaker clearly. His idea is that if those amendments are not dealt with now, the subjects to which they refer cannot be fitted in the arrangement that we may come to as regards the two categories. Therefore I do not think there will be any objection to taking them now.”

The hon. the PRESIDENT :—“ It has been moved and seconded that in clause 4, the consideration of sub-clauses (1) and (3) be postponed till after the other parts of the Bill have been disposed off.”

*Mr. S. SATYAMURTI :—“ I rise not to oppose the postponement, because if the postponement is made we shall have a right to discuss and vote on the amendments of my hon. Friend from Bellary on which the whole discussion has gone on. My own personal view is, Mr. President, that all the rules ought to come before the Legislative Council for affirmative sanction. Throughout the later speeches, there was an under current of thought, as if everybody will agree, that there were insuperable difficulties in the way of all the rules coming for the affirmative sanction of the Council, and that therefore we ought to see that these rules are divided into two classes—the first class to come for the affirmative sanction of the Council and the second to be placed on the table of the House, with a view to enable the Council to take action thereon, if they so choose. I am one of those who believe that the Heavens will not fall if all these rules are laid on the table of the House for affirmative sanction. The real basis of the whole argument in favour of classification is want of faith in the reasonableness and efficiency of this House; for every one on the front Treasury Bench or on the front Opposition Bench believes that some of us will be so meticulous as to interfere with petty rules, will suggest controversial amendments, and will waste the time of the Council and that therefore we cannot be entrusted with this responsible task of dealing with the rules framed by the Government. I ask—why this absence of good faith in the Legislative Council? Are the Executive

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so perfect that they can be trusted to make these rules, but we cannot be trusted to look at them and to say 'yes' or 'no' on them? Are we not dealing with elaborate Bills and have we not gone through them? I therefore suggest that if this postponement motion is carried, we should have to consider and vote on the first amendment that all the rules must come before the Legislative Council for its approval. Now, Sir, let us take the rules which are specified in this clause as referring to particular subjects on which the Government may make rules."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"We are now on the question of adjournment. We are not going into the merits."

* Mr. S. SATYAMURTI:—"Now, Sir, if we look at clause 4, sub-clause (2) we will find that excepting probably sub-clause (e) which includes 'the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal schools' and which I am willing to leave in the hands of the Executive, practically all other subjects on which rules are to be made ought to come for the affirmative sanction of the Council. I venture to think that no harm will be done by placing all these rules before the House and that it is but right the House should know what rules are made by the Government. I therefore think that all the rules must come for the affirmative sanction of the Council. I say I have no objection for the postponement of the consideration of clause 4, sub-clauses (1) and (3)."

The motion for the postponement of the consideration of clause 4, sub-clauses (1) and (3) was put and carried.

Sub-clause (2).

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I want, Sir, to move that at the end of sub-clause (2), clause 4, the following words be added:—

'(f) dress, discipline, offences and penalties regarding the inmates of Borstal schools'.

"If this amendment is not carried, we will have clause 5, which means that 'subject to any alterations, adaptations and exceptions made by this Act, and the rules framed under it' the Prisons Act of 1894 shall be applied in the case of Borstal schools also. We should therefore try to realize what would be the consequence of not having an amendment like the one I have proposed. Sir, it is enough for my purpose if I just take the Prisons Act of 1894 and show the way in which how young boys can be punished. If you only know the penal provisions contained in it, you will be convinced that we should not in the least apply the Prisons Act to these boys. These are the punishments which can be inflicted under the Prisons Act:—

'Imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor-General in Council;

'Imposition of fetters of such pattern and weight in such manner and for such period as may be prescribed by rules made by the Governor-General in Council:

'Separate confinement for any period not exceeding six months;

'Penal diet, that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Local Government;

'Cellular confinement for any period not exceeding 14 days;

'Solitary confinement for any period not exceeding 7 days;

'Whipping.'

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"The Superintendent or the person who is in charge of jails has got power to inflict all these punishments for what may be called the offence in jails. Therefore, Sir, to give such powers to the Superintendents of Jails seems to be rather too bad. Apart from the rules which the Government may make in this respect, the Prisons Act itself gives such large powers to the Superintendent to inflict these punishments. Therefore any plea that Government will make adequate rules in this respect to protect the boys will not hold water. Therefore, unless it is specifically stated in the Act that the rules of the Prisons Act will not apply to these boys, there is no use of spending a lot of money in starting Borstal schools, as they will then serve no useful purpose. Sir, we have heard several things as to how prisoners are treated. They are chained at night. We have very many revelations on this matter. We have not heard very far against ordinary offenders in this Presidency, but we have heard enough as to how the Prisons Act and other Acts are being applied in Montgomery and other jails and how a committee has been appointed to enquire into the matter.

"But my idea is this. It may be that a kind Superintendent may not inflict any of these punishments. But there will be this fear in the minds of the boys and girls of these institutions that they are subject to the disciplinary measures mentioned in the Prison Act of 1894 and that one day or other he or she will be given those punishments. Some subordinate officer in the prison may threaten them by reading a few words relating to these punishments in that Act and saying that unless they were very obedient to his commands he would recommend them for such punishment. This Act is, broadly speaking, similar to the Children's Act and the Reformatory Act and in neither of these two Acts is there any application of the Prison Acts. There, the offences are specifically mentioned with corresponding punishments. The Reformatory Act applies to boys between the ages of 15 and 18 and this Act applies to boys between the ages of 16 and 21. I do not see any reason why there should be a difference in the treatment of these two classes of boys. Government may take power under this clause to make rules regarding the offences and the punishments. But certainly I strongly object to clause 5 which says that the Prison Act of 1894 and the Prisoners Act of 1900 and the rules framed thereunder shall apply to these persons without any further restrictions. I appeal to the Government to accept the amendment."

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p.m.

Mr. R. SRINIVASA AYYANGAR :—"I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Sir, I am sorry I am unable to accept the amendment. We should in this connexion remember that some of these adolescent offenders who are to be sent to Borstal institutions might have committed very grave crimes, such as murder, dacoity or rioting, and their natural place will be in a jail. We only want to place them in a school amid some healthy atmosphere and give them some training. I do not see any reason why they should be supposed to be as innocent as those persons who have not committed any crime at all. A distinction ought to be made between these two classes of persons and I regret I am unable to accept the amendment."

* Mr. J. A. SALDANHA :—"Sir, this Bill has been modelled on the corresponding English Act, the Prevention of Crimes Act of 1908 and Criminal Justice Administration Act of 1914. In these two Acts I do not find any

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such far-reaching provision as section 5 of this Bill empowering the Inspector-General to adopt the provisions of the Prisoners Act. I do not see any reason why we should introduce them here."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I may say for the information of the hon. Member that the Borstal institutions in England are governed by the Prisons Act."

* Mr. J. A. SALDANHA (turning over the pages of the English Act):—"The Act only refers to the Prevention of Crimes Act and the Criminal Justice Administration Act. I do not find any section here that says . . ."

The hon. the PRESIDENT:—"The hon. Member may go on with the argument."

* Mr. J. A. SALDANHA :—"I want to know the corresponding sections here, Sir."

The hon. the PRESIDENT:—"Has the hon. Member finished his speech?"

* Mr. J. A. SALDANHA :—"The introduction of this clause would naturally imperil the purpose of this Bill which is to put these persons in a training institution and not in a prison. There is some motive in omitting the word 'school' because this clause makes the school a prison by giving such wide powers to the Inspector-General. I strongly support the amendment which involves also the omission of clause 5."

The amendment was put to the House and lost.

* Mr. J. A. SALDANHA :—"Sir, I beg to move that the following be added at the end of sub-clause (2):—

'(f) the conditions on which funds may be provided for societies undertaking the duty of assisting or supervising persons discharged from a Borstal institution either absolutely or on licence.'

"This clause is based on considerations of finance. It would be desirable to make some rules and regulations laying down conditions by which grant will be given to persons or societies supervising or assisting in supervising persons discharged from these societies either absolutely or on licence. It is with that object I move the amendment."

* Mr. A. RANGANATHA MUDALIYAR.—"Sir, I should like to apologise to you and the House for not having been in my place when the amendment in my name was called. It is a well-known fact that the Discharged Prisoners' Aid Society is doing very good work in helping the discharged prisoners. Some such work should be undertaken in regard to these adolescent prisoners also. Societies that will come into existence in connexion with these adolescent prisoners will have to solve problems peculiar to this class of people. As there is no provision at present in the Bill to help such societies we must make some provision empowering the Government to help those who undertake this kind of work."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Sir, I beg to oppose this amendment, for the simple reason that there is no necessity at all for it. No legislation is at all necessary for paying money to societies which are doing work in connexion with persons discharged from a Borstal institution. At present we are paying Rs. 3,000 to the Discharged Prisoners' Aid Society and we are also making

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contributions to the various Salvation Army settlements for which there is no provision in the Criminal Tribes Act. When institutions of this kind come into existence Government will naturally make grants to them. No legislation is at all necessary."

* Mr. A. RANGANATHA MUDALIYAR :—" But we have no control over the conditions laid down."

* Mr. J. A. SALDANHA :—" There is some amount of irresponsibility in this. Government give grants to societies as they like. What I want is that these grants should be regulated by some rules. I have got the highest regard for the Discharged Prisoners' Aid Society and also to the Salvation Army and to the other institutions that look after these discharged prisoners. At the same time it is but fair to this House which is to find the funds necessary for those grants, that Government should exercise some sort of control and that the House ought to know how these funds are disbursed and what the conditions imposed are. We are not going to hamper the free discretion of these societies, but in the interests of economy it is desirable that some sort of supervision is exercised by Government according to some rules and conditions."

* The hon. Mr. T. E. MOIR :—" Sir, one of the reasons which the hon. Member gave in support of the amendment was that Government gave away the money without any control on the part of the Council. It is perfectly true that there are institutions to which Government make grants. There may be societies coming into being under this Act when it is passed to which the Government may grant money. In all cases the proposals to make such grants come before the Finance Committee and then before the Legislative Council for the purpose of approval. I am at a loss to know what is the basis for the hon. Member's statement that Government are giving away money to societies without the knowledge of the Legislative Council. I can assure him and the House that if any societies come into existence under this Act and apply for grant to the Government their applications will be considered and if they are considered to deserve encouragement the proposal will be placed before the Finance Committee and eventually before the Legislative Council. My hon. Colleague is right in saying that no clause of this kind is necessary in order to enable the Government or the Legislative Council to encourage or attract the services of such societies."

The amendment was put to the House and lost.

Clause 5

* Mr. O. V. VENKATARAMANA AYYANGAR :—" Sir, I beg to move—
'that clause 5 be omitted'.

"I have already given some reasons as to why this clause should not be on the statute book.

"When these boys and girls between 16 and 21 are sent to these schools, they should not at all be subjected to the rigorous punishment laid down in the Prisons Act. We will look into the objects of this legislation. This Act is evidently intended, as will be clear from the definition of the word 'adolescent offender', to apply to persons who committed any offence however slight it may be, liable to punishment by imprisonment or to furnish security under the Criminal Procedure Code. That being so, it is clear that under the Act the persons could be detained for a long period of

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five or six years, while a man who would be committed to jail for the same offence would be subjected to the rigours of jail treatment for a short period within a year. That the person sent to the Borstal school should go there with the fear that he would be subjected to the rigours for about five years is simply inhuman. The Act is expected, I believe it is intended, to be useful in giving a more lenient and a less rigorous punishment to the poor boys and girls but to subject them to the rigorous punishment of the jail life, including detention in solitary cells, solitary confinement, giving non-cotton dress and keeping them in chains, reduction of rations, and that too for a long period of five years even for petty offences is really inhuman. I would therefore appeal to the Council, to the humane feelings of hon. Members here, to see that this clause is deleted out of the Bill. It is not a question of party or community. Unfortunately we are dealing with the lowest communities as it were. It is the so-called depressed classes, I would call upon my hon. Friend Mr. Veerian to realize it, and the backward communities towards whom these security provisions have been very often applied, to whom the provisions of the Criminal Tribes Act are very often extended and who generally for some reason or other very often go to jail. And therefore, if it is our object in passing this Act to help these people who are of very young age, we should accept this amendment. If the amendment is not accepted and if the people should be subjected to the rigours for a longer period than would be the case if there were not this Act, I should rather think that the Act be not passed at all. I am still under the impression that the object of the Act is to treat these offenders a little more humanely, to make their life less suspected and a little more happy. It has been said that they are all criminals. Then, why have this Act, if you are to treat them as old offenders, as incorrigible offenders, and subject them merely because of refusing to obey the Superintendent for instance, to all the rigours of the Jail Code? They are young, mischievous urchins perhaps, as we may have been in some time of our life, and may at times refuse to obey the orders of the Superintendent to sit here or stand there. For such offences at least the present Act lays down solitary confinement or life in prison cells for a shorter period. So that, in the case of such petty offences while in the jail or in the Borstal school which they call insubordination or want of discipline—we have heard of these phrases very often—this serious punishment could be given but with this difference, that without this Act the people would be subject to a shorter period while under this Act, they will be compulsorily subject to a very long period. The Bill in that respect is much more harmful than the existing law. I would therefore appeal to the House just to pause and see what the effect of the measure would be and not to be indifferent about it. The Government may frame rules for the management, control, maintenance, education, etc., and certainly without applying the whole body of the Prisons Act, rules may be framed on those lines. I would appeal to the House and urge that the only effect of this provision will be to serve as an engine of oppression in the hands of petty officers who for small things like sitting at a particular place or standing at another would recommend solitary confinement or confinement in cells or being put in chains. I therefore appeal very strongly that the House may unanimously accept my amendment for the deletion of the clause."

Mr. R. SRINIVASA AYYANGAR:—"I second it."

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* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I am sorry I have to oppose this amendment, and to oppose it rather vehemently. Because in the first instance I should like to point out to my hon. Friend that it is not true to say that all the people who go to the Borstal school belong to the low and the depressed classes.

* Mr. C. V. VENKATARAMANA AYYANGAR:—"On a point of personal explanation, Sir, I never said that. I only said that the majority generally of the people in the criminal jails are found as a matter of fact to come from the depressed and from the backward communities. I said so and I do maintain it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"And my hon. Friend appealed to the hon. Member, Mr. Veerian, that this clause ought to be rejected. I will point out to my hon. Friend that crime is not the exclusive monopoly of any particular community. There are criminals among the Brahmaus, the non-Brahmans, the Muhammadaus, Christians and the depressed classes. Therefore there is no point in appealing that this clause would affect the unfortunate people of the depressed classes and should be deleted. The House ought to remember the material that we have to deal with. In the Borstal school at Tanjore, there are 454 adolescent offenders of which 164 have been convicted of dacoity and robbery, 137 for theft, house-breaking and house-trespass and 77 had previous convictions. Are you going to call these people innocent, to be put in the school and treated exactly like those who have not committed any crime. If hon. Members will only realise that, I may say that some differentiation must be made between people who had committed no crime and those who had committed serious crimes. I do not see any reason how I could accept the amendment. Even in the Prisons Act of England some such provision is made. The Borstal school is to be considered a sort of prison. That fact cannot be overlooked and it cannot be supposed that these offenders have been innocent, had absolutely no criminal tendencies but have been sent to the school on account of some accident or other. In these circumstances, I have to oppose the motion."

Mr. P. ANJANEYULU:—"I am somewhat surprised at the last sentiment expressed by the hon. Member in charge of the Bill. He said that some sort of difference must be shown between those who had committed dacoity and theft and those who had been innocent. If they are innocent, I fail to see why they should be kept in a reformatory or a Borstal school and the difference of treatment could hardly come in. It was a somewhat rosy hue that was given to the Bill at its introduction and it is being slowly dissolved as we descend into the detailed discussion of it. We were thinking that the intention of this Bill was to get into being an institution different from the general prison where youthful offenders who have lapsed into crimes just casually, who could not be classed along with habitual offenders, may be sent, where they may feel some sort of home life with some restrictions and wherefrom they may emerge corrected and reformed. That was indeed the idea which was presented to the hon. Members of the House when the Bill was first introduced. And now we are told that these people should not be differentiated from other offenders and that they should have almost all the jail rules applied to them even in the Borstal schools subject to any alterations or exceptions made by this Act and the rules framed thereunder for which provision is made in section 4(2). If the things specified in that section

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are removed and if all the conditions of the Jail Act are to be applied to these unfortunate persons, I for one fail to see why a Bill of this kind should be brought into existence and why there should be enormous expenditure on the Borstal schools. We may as well reserve some corner in the ordinary jails for these unfortunate offenders and treat them just as well there. But if the original idea with which the Bill was introduced is to be kept up, the omission of this clause is absolutely necessary and the vehemence that I could appreciate of the hon. the Home Member is not so much against the deletion of this clause as perhaps against the offenders whose number was rather large and was kept before the mind's eye of the hon. Member. I hope therefore that all sides of the House will join in one voice for the omission of this clause."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"There is one aspect of the matter of which perhaps the Council is not aware at the present moment. This section provides that the provision of the Prisons Act and the Prisoners Act and the rules framed thereunder shall apply subject to alterations that may be made by this Act or the rules framed under it. In his anxiety to provide for the differentiation of people who are brought under the provisions of this Act from criminals my hon. Friend, the proposer of this amendment, has forgotten that there are many things in these Acts which are intended to apply and which must be applied only by reference to these Acts; and if these Acts go out of consideration there will be a number of things for which no provision is made in this Act and cannot be made in the rules framed under it. For example, if a person who is detained in jails is to be produced before the Court for giving evidence or if he is charged with an offence and has to be brought before a Court before which he is to be tried, there are sections which provide how he ought to be produced before the Court which requires his presence. Assume for a moment that clause 5 goes out of this Act. What is the provision under which you can produce a person who has committed an offence or a person whose presence is necessary for giving evidence in a Court of Law in connection with a matter relating to third parties. Unless you make this provision of the Prisons Act applicable to the case of people detained in the Borstal school, there will be no means of producing them before the Court. A person in charge of a Borstal school can well refuse to allow these people to give evidence before the Court. I believe that the hon. the Proposer of this amendment, has devoted his attention solely to the treatment of the persons detained under the provisions of this Act. There are provisions in the Prisons Act for the punishment of the jail officials, for things that they might do in contravention of the provisions of these Acts. Are we not to have the provision for the purpose of dealing with those offenders? If section 5 is taken out, there is no means of dealing with them. The idea which my hon. Friend has got in mind is that the stringent rules which have been framed under the Prisons Act ought not to be applied to the case of the persons detained in the Borstal school. That result might be achieved by suggesting alterations in the application of these Acts for which section 5 provides and not to get rid of the applicability of the Prisons Act or the Prisoners Act or the rules framed thereunder.

5 p.m.

"If you want any alterations to be made in the application of these Acts to the persons detained in the Borstal schools, you must retain those Acts. If you get rid of those Acts you will find that it is impossible to deal

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with those cases for which provision is made in the Prisoners Act and the Prisons Act. The only way to do is either to have those sections bodily taken over and introduced here or to have a section incorporating the provisions by reference. Clause 5 says that those provisions would apply to the persons detained in the Borstal schools, that is, the provisions of the Prisons Act and the Prisoners Act that are not either by this Act or the rules framed thereunder. The ultimate result is exactly the same as if you introduce these necessary provisions."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" May I say a word in reply, Sir?"

The hon. the PRESIDENT :—" The hon. Member has no right of reply."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" On a point of order, Sir. I think I have a right of reply, because I moved the amendment, unless you rule it out. Unless there is closure, I do not think you can refuse, Sir."

The hon. the PRESIDENT :—" Will the hon. Member say how he has a right of reply? Under what Standing Order?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am raising a point of order, Sir. I say that unless there is a closure moved, I do not think the President can prevent speakers, and secondly I have got a right of reply as the Member who moved the amendment. I think under the general Standing Orders, anyone who moves a motion has the right of reply."

The hon. the PRESIDENT :—" As regards the first point raised by Mr. C. V. Venkataramana Ayyangar regarding right of speech before closure, may I say that I would have called upon any other Member to speak if he had risen in his place. With regard to the other point, whether he has a right of reply, I may say that he has no right of reply."

The amendment was put and declared lost. At the instance of Mr. C. V. Venkataramana Ayyangar a poll was taken and the House divided as follows :—

Ayes.

- | | |
|------------------------------|------------------------------------|
| 1. Mr. A. Chidambaram Nadar. | 5. Mr. V. Pandula Ayyar. |
| 2. „ S. Sathyamurti. | 6. „ C. V. Venkataramana Ayyangar. |
| 3. „ P. Anjaneyulu. | 7. „ R. Veerian. |
| 4. „ C. Maruthavanam Pillai. | 8. „ R. Srinivasa Ayyangar |

Noes.

- | | |
|---|---|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 19. Mr. N. Devendradu. |
| 2. „ Mr. N. E. Marjoribanks. | 20. Rao Sahib P. V. Gopalan. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 21. Mr. J. Kuppuswami. |
| 4. „ Mr. T. E. Moir. | 22. „ R. Madanagopal Nayudu. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 23. „ T. Mulesappa. |
| 6. „ Rao Bahadur Sir A. P. Patro the Raja of Panagal. | 24. „ B. Muniswami Nayudu. |
| 7. „ „ | 25. „ K. S. Ponnuswami Pillai. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 26. „ K. Prabhakaran Tampan. |
| 9. „ G. T. Boag. | 27. „ B. Ramachandra Reddi. |
| 10. „ V. Pandrang Row. | 28. Diwan Bahadur M. Krishnan Nayar. |
| 11. Rao Bahadur V. J. Krishnam Achariyar. | 29. Mr. P. T. Rajan. |
| 12. Lieut.-Col. J. P. Cameron. | 30. Rao Bahadur P. Raman. |
| 13. Mr. Muhammad Abdullah Ghatala Sahib. | 31. Rao Sahib R. Srinivasan. |
| 14. „ S. Arpudawami Udayar. | 32. Mr. K. Venkatachala Padayachi. |
| 15. Rao Bahadur C. Natesa Mudaliyar. | 33. Rai Bahadur T. M. Narasimhaachalu. |
| 16. Mr. P. K. S. A. Arumuga Nadar. | 34. Mr. T. M. Narayanaswami Pillai. |
| 17. „ A. Ramaswami Mudaliyar. | 35. Khan Bahadur Haji Abdulla Haji Oasin Sahib. |
| 18. Diwan Bahadur P. C. Ethirajulu Nayudu. | 36. „ P. Khalif-ul-lah Sahib. |

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Neutral.

- | | |
|---|---------------------------------|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 6. Mr. A. Ranganatha Mudaliyar. |
| 2. „ A. S. Krishna Rao Pantulu. | 7. „ M. Gangaraju. |
| 3. „ T. A. Ramalinga Chettyar. | 8. „ S. Muttaiyya Mudaliyar. |
| 4. Mr. J. A. Saldanha. | 9. „ V. C. Vellingiri Gounder. |
| 5. „ P. Siva Rao. | |

Ayes 8 : Noes 36 : Neutral 9.

The motion was lost.

VIII**BUSINESS FOR THE REMAINING DAYS OF THE SITTING.**

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ The only point that I desired to mention was this. It is perfectly obvious that we shall have to sit on Friday for official business, so that the non-official business will be on Saturday if it is so desired.”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ With reference to the non-official business, the question about the Excise policy, it was thought, would come up on Friday, but after consulting the various sections and also the hon. the Minister of Excise it was thought that it would be better if it is taken up on the first day of the next meeting. And so it cannot come up on Friday or Saturday as the case may be.”

The hon. the PRESIDENT :—“ With regard to that matter, may I take it that the resolution will be brought up in the ordinary way by ballotting for it ? ”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ No, Sir. A special day will have to be given for it as agreed, but the actual discussion will take place on some day at the next meeting.”

The hon. the PRESIDENT :—“ I do not know how it can be done. I was under the impression that the hon. the Minister for Excise would afford facilities, but the other day he said he could not afford any further facility than allowing a resolution to be discussed, the resolution to be ballotted for in the general way.”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ I thought it was agreed that a special day would be given for the discussion of it and the next Friday had been fixed for it.”

The hon. the PRESIDENT :—“ Given by whom ? ”

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ I thought that by general agreement next Friday was fixed for its discussion. It was only with reference to that that we had a discussion and we thought it could come up next month.”

* The hon. Rao Bahadur Sir A. P. PATRO :—“ I suggest that you might kindly waive the notice that is necessary in the case of resolutions, and admit the resolution. That was, I suppose, the understanding we came to the other day.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Yesterday at the time the question came up, I was not able to pick out the statement made by the hon. the Excise Minister. Subsequently I referred to the statement made by him and passed it on to the Secretary and it was shown to you. And from that statement it is clear that he undertook to give an opportunity to the House

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to express an opinion on Excise policy. Of course if he goes back on that undertaking that he had given to this Council, the only opportunity that is left to us is to table a resolution. Let him go back upon that, and we shall take the usual opportunity. But I may draw his attention also to the statement made in this Council as reported in the official report of the House. Therein he said that he would give an opportunity to this House to discuss it. That means that he has two ways of giving an opportunity to this House, viz., by tabling a motion for grant or tabling a motion as the one made this morning by the hon. the first Member of the Cabinet regarding the splitting up of the Madras constituency into two. He may resort to any of these two methods. If he does not propose to do so, the only opportunity—we cannot claim any other thing—is to table a resolution. But we leave it to you to ascertain whether he is willing to fulfil the assurance he has given to this House. The only way in which he can fulfil his assurance is either by coming forward with a supplementary grant or tabling a motion as I said. Failing that, we shall resort to the usual method open to us. Of course, we shall request you not to insist on the six days notice, and I believe you will certainly do it, having regard to the statement in the official report.”

The hon. the PRESIDENT:—“I did not give any guarantee, I think.”

* The hon. Rao Bahadur Sir A. P. PATRO:—“Sir, it is wrong to say that I go back upon what I undertook. It is very wrong to assume that I went back on what I said. It is also wrong to say that I undertook to bring forward any motion myself. It has been explained also by the hon. Sir C. P. Ramaswami Ayyar that if a motion is tabled on the other side he could give even one of the Government days for its discussion. That was explained by the hon. Sir C. P. Ramaswami Ayyar the other day, and it was understood that if the other side tabled a motion about Excise policy, we should request you to waive notice that would ordinarily be necessary. These being the facts understood yesterday, I do not think it is right to say that I go back on what I said yesterday in the Council.”

Mr. A. RAMASWAMI MUDALIYAR:—“I understand that what the hon. Member said yesterday amounted to this, that they were prepared to give Friday for the discussion of this question and that any Member on any side of the House might send in a resolution to your office, that the required notice would be waived for such resolution and that it would not run the risk of a ballot. As a matter of fact we have prepared resolutions so that the subject may come up for discussion on Friday. Now that Friday is not suitable, as my hon. Friend from Coimbatore has suggested, some other day may be taken to suit the other side and the same sort of resolution may be sent up to your office without ballot and without insisting on the six days' notice. The matter is very simple. The hon. the Minister said that he was not prepared to come forward with a resolution on the subject. He wanted a resolution from any side of the House.”

* Rao Bahadur C. V. S. NARASIMHA RAJU:—“I only want to draw the attention of the House to the speech made by the hon. the Minister for Excise. May I, with your permission, refer to it? He said that ‘no useful purpose will be served by discussing it at this stage. I think my hon. Friend will be satisfied if I say that before final orders are issued, the sense of the House will be taken by affording facilities for the discussion of the report of

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the Excise Advisory Committee.' What he means is plain according to my interpretation. Perhaps the interpretation of the Excise Minister may be different, and what I said may be wrong according to his interpretation, but I still maintain that my interpretation is correct, that is, that he has undertaken to give an opportunity to this House to express an opinion."

5-16 p.m. * Mr. S. SATYAMURTI :—" Sir, speaking as a humble back-bencher (laughter), I want to suggest that this matter should be placed before the House at the earliest possible opportunity. Yesterday when my hon. friend from Coimbatore told me about this, I understood from him that both himself and the hon. the Excise Minister had agreed to this matter coming up on a suitable day at the next meeting, but from the speeches made just now on the floor of the House there seems to be no such agreement at all."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" We did agree about the first day of the next sitting being devoted to this matter."

* Mr. S. SATYAMURTI :—" May I therefore ask the hon. the Minister to be good enough to say whether he undertakes to provide the first day of the next meeting of the Legislative Council for the discussion of a resolution on the Excise Advisory Committee's report? If he would give such an undertaking, and if you agree, Sir, and if the hon. the Law Member agrees, and if we can therefore go with the conviction that we can have the discussion on the first day we come here for the next meeting, I have no objection for this matter being adjourned to the next meeting. If, on the other hand, there is difficulty with regard to those subtle points about your waiving the notice, - I do not know how you can waive the notice and the ballot under the Standing Orders—I venture to suggest that the best thing would be to take the earliest possible opportunity of discussing this report. So far as the Government is concerned, they have promised to delay this matter until this House has expressed its opinion before they pass final orders, and if the Government say that they will stay their hands till the next meeting of the Legislative Council and ascertain the sense of this House, it does not affect us one way or the other. On the other hand, if it is not possible to delay passing final orders until the next meeting of the Council, I must ask that this matter should be taken up as early as possible. It is a matter which concerns you also, Sir, to a certain extent, and I ask you to decide this matter consistently with the position of the Government and the facilities that should be provided for the discussion in this House."

* The hon. Rao Bahadur Sir A. P. PATRO :—" I do not think there is any need for all those remarks made by the hon. Member for the University. It has been said to-day and said yesterday that a day will be allotted by Government for the discussion of this question. Therefore, there is no doubt at all in the matter that a day will be provided in the next meeting of the Legislative Council."

* Diwan Bahadur M. KRISHNAN NAYAR :—" If the first day of the next meeting is allotted for the discussion of this subject, I have to say this. Of course, I admit the importance of discussing the excise policy of the Government and I also see the necessity and importance of discussing it and coming to a conclusion as early as possible. If possible, it may be taken up on Saturday or any other day which this House may consider it convenient to allot for the discussion during this sitting. But, with reference to the first

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day of the next meeting, I had a consultation with my hon. Friend the Law Member about the discussion of the Malabar Tenancy Bill.

"I had a consultation with the hon. the Law Member as to when the Malabar Tenancy Bill would be brought up for discussion in this House. He told me that the first day of the next meeting would be devoted to this and also added that the discussion of this Bill might proceed from day to day till it is over. He also told me that the next meeting of the Council is likely to be held on the 1st or 2nd of February and that it is not likely that a meeting will be held in January. Now, Sir, if this Bill does not come on for discussion before this House on the first day of the next meeting and if it be not proceeded with from day to day till it is over, there is considerable risk, namely, that there will be no opportunity for the discussion of this Bill in this session. For, about the 26th or 27th of February, the budget will be introduced and the whole of March will be devoted to the discussion of the details of the budget, and then the Council will be adjourned, and I do not know whether there will be a meeting of this Council subsequently, so that the Bill will lapse. I feel confident that all sections of this House and all the Members of this House will sympathize with me in my anxiety and my desire to bring up this Bill, over which this Council has bestowed several days and the Select Committee of this House consisting of more than 30 Members sat for several days. I am sure you will also sympathize with me to have this Bill discussed and disposed of in this session. That is what I have to state with reference to taking up the excise resolution on the first day of the next meeting. I think the more convenient course would be to dispose of that matter in this sitting itself by allotting a particular day for it".

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, the hon. Member for Malabar did me the honour of consulting me with regard to the further discussion of the Malabar Tenancy Bill. I then told him what I think the House ought to know that it was not likely that His Excellency would give a day in January for the meeting of the Legislative Council but that very early in February His Excellency is likely to give time. I also told the hon. Member for Malabar, having regard to the great anxiety which he and other hon. Members have evinced for the consideration of this Bill, that it will be the first subject for the discussion of which facilities would be given, so that the subject may be disposed of. That is so far as my undertakings go. It is a matter entirely for adjustment among the various Members of this House whether one day should be given out of those days, say the first day to the Excise Resolution and the other days to the Malabar Tenancy Bill. That is a matter on which I think His Excellency would have absolutely no objection if the House is agreed on the course of conduct. I must tell the House, and you, Mr. President also know, that there is no likelihood of a sitting in January next."

* The hon. the PRESIDENT :—" Do the hon. Members agree upon bringing up that subject at this meeting or at the next sitting?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—" At the next meeting of the Council."

* The hon. the PRESIDENT :—" In that case, the hon. Member who wants to bring up that subject would do well to try the luck of the ballot."

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* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"The Government say that they are prepared to allot an official day for the discussion and if an official day is going to be devoted for that discussion, I do not see why the ballot should come in."

* The hon. the PRESIDENT :—"I do not see how non-official business can become official business, though it is discussed on an official day."

* The hon. Rao Bahadur Sir A. P. PATRO :—"You can waive the necessary notice."

* The hon. the PRESIDENT :—"It is not fair to ask the Chair to waive the notice for a resolution to be discussed at such a distance of time."

* Mr P. ANJANEYULU :—"May I know whether Government are not going to pass final orders before the discussion? I want to have a definite assurance, so that they may be no more misunderstanding" (Voices of 'No, no'.)

* The hon. Rao Bahadur Sir A. P. PATRO :—"That was the undertaking. No final orders will be passed before the Council has discussed the report."

* Mr. J. A. SALDANHA :—"If this discussion on the excise policy of Government is official business, then"

The hon. the PRESIDENT :—"Order, order. It is not official business. When the hon. Member Sir A. P. Patro declined to bring an official resolution on the subject it ceased to be official business."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"All that I said was, if it came to it, that there was a kind of choice that might be made between official and non-official day. The Government would have no objection to set apart an official day for that purpose."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"In view of your statement that this subject will have to take the chance of the ballot, may I suggest that it may be taken up on Friday or Saturday next. That is my view (Rao Bahadur T. A. Ramalinga Chettiyar: 'No, no') notwithstanding the disagreement of my hon. Friend from Coimbatore. There may be a number of resolutions which may come up in the ballot on the next occasion, and members who get the earlier chance of moving their resolutions may not give preference to the excise resolution, but go to the other resolutions. When it is a question of ballot, nobody can say how it will be. In these circumstances, if it is to be Friday or Saturday, we do not think you will insist on the formal notice, but will consider it expedient to waive the notice in the interests of the transaction of business."

Mr. A. RAMASWAMI MUDALIYAR :—"If the ballot cannot be waived, there will still be exactly the same difficulty. I do not know how in this sitting a resolution can be tabled and balloted for and how it can have precedence over the resolutions already on the agenda paper. If the ballot is in the way, that objection holds good even for this meeting."

* Mr S. SATYAMURTI :—"With your leave, Sir, I beg formally to move, because that is the only way in which we can ascertain the desire of the House, that consideration of the Excise Advisory Committee report be set down for the next Friday. I suggest Friday because it will be more convenient for several hon. Members. If it is a question of taking up the subject at the next meeting, I respectfully agree with you that we cannot reasonably

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ask you to waive the notice, and if one cannot do that, the motion can come up only after Bills. If the Malabar Tenancy Bill comes up, this resolution would not be reached at all. After the great anxiety shown by hon. Members to corner the hon. the Minister on the excise resolution, it seems to me that we have no justification whatever for ourselves suggesting that we should put it off for the next meeting. I do not think it is a subject requiring extraordinary preparation. We can study the report in two nights easily. We may table a resolution to-morrow and there will be time enough for circulating it to the Members. I therefore formally beg to move that the consideration of the Excise Advisory Committee report be set down for Friday next."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I think it is hardly a matter for any resolution at this stage. I may at once state what may stop further discussion, that if Friday or Saturday would be considered more convenient facilities will be afforded for such a discussion, because we have official business to go on with. We will go on as far as we can and on the day set apart for this discussion we can adjourn it, and thereafter we will go on with the rest of the official business."

The hon. the PRESIDENT :—" With reference to this controversy I think I had better consult the opinion of all those who ought to be consulted, namely, the hon. the Law Member, the hon. the Minister for Education, the Leader of the Opposition and the Leader of the Swarajya Party. If they agree, I shall be glad to have either next Saturday or at the next meeting."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" If it is decided to have the discussion at the next meeting, this subject may be set down as the first item on the first day of the next meeting. If any technicalities stand in our way, such technicalities may be waived. That is our request to you, Sir. If you think that in matters where both sides of the House are willing to take up this discussion technicalities need not stand in the way, you should use your extraordinary powers for this purpose. If you think that such a thing is not possible, I should like to have the matter disposed of on Friday or Saturday as is convenient to all the Members."

The hon. the PRESIDENT :—" If it is to be the next meeting, the members who want to move the resolution must try the luck of the ballot."

* Mr. S. SATYAMURTI :—" My leader is not here, Sir. But I have consulted all the other Members of the Swarajya Party who are here. Though we are in a hopeless minority, we are very keen about that subject being discussed on Friday. If the House does not want it, it is their look-out."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" The first proviso to Standing Order 53 says

' Provided that the President, with the consent of the Member of the Government in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than fifteen days.'

So it is not a question of ballot. You can allow it to be entered in the list of business with a shorter notice and without going through the process of ballot."

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The hon. the PRESIDENT :—“ When so much long notice is possible in the case of discussing it at the next meeting, I think it is unfair for anyone to ask me to waive the notice.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I make a suggestion, Sir ? Let us have this subject as the last item on Saturday, and adjourn it to some other day at the next meeting, so that the House being in possession of it, it will be discussed as the first thing at the next meeting.” (Voices of ‘ No, no.’)

The hon. the PRESIDENT :—“ I think we had better have the discussion on Friday next.”

The House then adjourned to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 1120 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 16th December 1925, page 282 supra.]

List of stipended pupils in the Medical Schools who belong to the depressed or backward classes.

(a) Depressed classes.

Serial number and name of pupil.	Year of study.	School in which studying.	Caste or community.
1. P. Ananda Rao ..	2nd year.	Vizagapatam.	Adi-Dravida Christian.
2. Sarella Sugandam ..	1st „	Do.	Adi-Andhra.
3. A. Samuel Dorairaj ..	2nd „ (Pro-visional).	Tanjore.	Adi-Dravidian.
4. N. Krishnan ..	1st year	Coimbatore.	Badaga.
5. T. N. Sundara Rao ..	3rd „	Tanjore.	Marati.

(b) Castes other than the depressed classes.

6. J. Jagannathan ..	2nd year.	Vizagapatam.	Kaikolan.
7. K. S. Ramaswami ..	3rd „	Do.	Vannan.
8. P. Suryanarayana ..	1st „	Do.	Ambattan.
9. Thatikota Jaga Rao ..	3rd „	Do.	Oriya.
10. Arabolu Gurumurthi.	2nd „	Do.	Telaga.
11. P. Paida Rao ..	2nd „	Do.	Perika.
12. Maytri Satyanarayanamurthi.	1st „	Do.	Oriya.
13. Makana Karaha Narasimha Patrudu.	1st „	Do.	Nagara certified to be backward by the Deputy Collector, Vizagapatam.
14. P. Kunhambu ..	4th „	Madura.	Kusavan.
15. K. Raja Bontra ..	3rd „ (Pro-visional).	Tanjore.	Billava.
16. N. Radhakrishnan ..	1st year.	Do.	Gavara.
17. Gopala Gowder ..	2nd „	Rayapuram.	Palli.

16th December 1925]

APPENDIX II.

[Vide answer to question No. 1122 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 16th December 1925, page 284 supra.]

In exercise of the powers conferred on them by ^{section 305 of the District} ^{section 200 of the Local} Municipalities Act, 1920 ^{Board's Act, 1920}, the Local Government make the following rules as to the qualifications required of sanitary and assistant sanitary inspectors :—

*Rules under section ^{305 of the District Municipalities Act of 1920.}
200 of the Local Boards Act of 1920*

No person shall be appointed to the post of assistant sanitary inspector unless he possesses—

(a) A certificate from the Commissioner for Government Examinations that he has passed the Higher Grade technical examination in Animal Physiology and Hygiene after having undergone a satisfactory course in Physiology, Hygiene and Bacteriological demonstrations under the Principal of the Medical College or a similar special examination in the same subjects :

Provided that persons who have obtained a certificate from the Commissioner for Government Examinations that they have passed the Higher Grade technical examination in Animal Physiology and Hygiene shall not be required to pass an examination in the same subjects after the course in the Medical College if they are certified by the Principal of the Medical College and the Sanitary Engineer to be fit for employment as assistant sanitary inspector ; and

(b) A certificate from the Director of Public Health that he can ride and cycle.

2. No person shall be appointed to the post of sanitary inspector unless he possesses the qualifications prescribed for the post of assistant sanitary inspector and the following qualifications in addition, viz.—

(a) either a certificate of having successfully passed the Lower Subordinate Engineer class of the College of Engineering, Madras, and of having passed the examination in Minor Sanitary Engineering of the Higher Grade, or

(b) a certificate from the Commissioner for Government Examinations that he has passed the examination in Minor Sanitary Engineering of the Higher Grade after having undergone a satisfactory course of five months' training in Minor Sanitary Engineering under the Sanitary Engineer to Government ; and

(c) a certificate from the Director of Public Health that he can both ride and cycle.

3. The above rules shall not apply to any certified sanitary inspector who on the 31st December 1905 held a permanent post as sanitary inspector or as assistant sanitary inspector or as superintendent of a vaccine depot under any local body or as deputy inspector of vaccination in the Madras Vaccination department or who can prove by extracts from the register of certificated sanitary inspectors maintained in the office of the Director of Public Health that he has within two years previous to that date served any local body as certificated sanitary inspector on temporary or cholera duty and that his conduct during that period has been satisfactory.

[16th December 1925]

4. A pass in the Bombay Sanitary Surveyor's test or Burma Sanitary Inspector's test will be accepted as equivalent to the qualifications prescribed in clause (a) of rule 1 and clause (a) or clause (b) of rule 2 of the above rules.

5. Notwithstanding anything contained in the foregoing rules the Director of Public Health may on the recommendation of Presidents of Local Boards or Chairmen of Municipal Councils certify any person who in the opinion of the Director of Public Health is fit to hold the post of sanitary or assistant sanitary inspector to be qualified for the post. The person so certified shall be deemed to be duly qualified for appointment as sanitary or assistant sanitary inspector subject to any limitations that may be imposed by the Director of Public Health in the certificate.

Presidents of Local Boards and Chairmen of Municipal Councils shall apply to the Director of Public Health direct for the necessary exemption even in the case of temporary appointments of unqualified men.

Health Inspectors.

13. The qualifications for Health Inspectors are—

(a) Possession of a completed Secondary School-Leaving Certificate or pass in any higher examination.

(b) Qualification as Assistant Sanitary Inspector or Sanitary Inspector or Sub-Assistant Surgeon.

(c) Completion of a course of training in vaccination in the King Institute of Preventive Medicine, Guindy.

(d) Certificate of good conduct.

(e) Ability to read and write at least two vernaculars of the Presidency.

(f) Physical fitness for hard camp life.

No person shall be appointed as Health Inspector either permanent or acting unless he possesses the above qualifications or is exempted by the Director of Public Health from possessing such qualifications.

APPENDIX III.

[Vide item III. Amendments to Standing Orders at page 296 supra.]

To

THE HONOURABLE THE LEGISLATIVE COUNCIL OF THE
GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee, appointed to report on certain draft amendments to Standing Orders Nos. 3 and 49 moved by the hon. Sir C. P. Ramaswami Ayyar, K.C.I.E., at the meeting of the Council held on 26th August 1925, have the honour to submit the following report :—

We approve of the deletion of clause (1) of Standing Order 3 in view of rule 5-A of the Legislative Council Rules framed by the Government of India, which provides for the election of a President.

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The language of Standing Order 49, unlike that of the corresponding Standing Order in the Legislative Assembly, the Council of State and certain other provinces, imposes no restrictions as to the character of the amendment that might be moved at the third reading, and we do not feel it necessary or right to alter the language so as to limit the power of amendment conferred by the words 'with or without further amendment' in paragraph (3) of that Standing Order.

We do not recommend that this report be published in the Gazette.

M. RUTHNASWAMY.
P. KESAVA PILLAI.
T. R. V. SASTRI.
A. RAMASWAMI MUDALIYAR.
M. KRISHINAN NAIR.
M. GHOSH MIAN.
C. V. VENKATARAMANA AYYANGAR.
T. ADINARAYANA CHETTI.
P. V. GOPALAN.
S. ARPUDASWAMI UDAYAR.

7th November 1925.

APPENDIX IV.

[Vide item VI. The Madras Borstal Schools Bill at page 312 supra.]

BILL No. 7 OF 1925.

THE MADRAS BORSTAL SCHOOLS BILL.

Report of the Select Committee.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL OF
THE GOVERNOR OF MADRAS.

We, the undersigned members of the Select Committee, appointed to consider the Madras Borstal Bill, No. 7 of 1925, have the honour to submit the following report. The Bill was published in the *Fort St. George Gazette* in English on 17th March 1925, in Kanarese on 14th April 1925, in Telugu on 21st April 1925, in Tamil on 28th April 1925 and in Malayalam and Hindustani on 26th May 1925.

[16th December 1925]

2. We met on Monday the 5th October. We also held a meeting on the 7th October to consider and pass our report and the Bill as amended in accordance with our decisions.

3. We have subjected the Bill to a detailed examination clause by clause and have suggested changes, the more important of which are referred to below :—

(1) We consider that the Act should be called the “ Madras Borstal Schools Act, 1925 ”.

(2) In the definition of ‘ adolescent offender ’ given in the Bill, the minimum limit of age is fixed as 16. The Madras Children Act, 1920, which deals with offenders, etc., below the age of 16 has been extended only to certain portions of the Presidency, while in the rest of the Presidency the Reformatory Schools Act, 1897, which deals with offenders under the age of 15 years is in force. We therefore consider that a provision should be inserted in the Bill to the effect that in areas to which the Madras Children Act, 1920, has not been extended, it shall be possible for offenders of the ages between 15 and 16 to be dealt with under the Borstal Schools Act.

(3) We have added a new clause 3 (2) under which a Visiting Committee shall be appointed for every Borstal school.

(4) We have decided that second-class magistrates shall not be empowered by the Local Government to deal with cases arising under this Act.

(5) In clause 8, we have reduced the minimum period of detention to two years. We have also omitted the words ‘ by or on behalf of the Inspector-General ’, leaving it to the Court to hear such reports and representations as may be made to it.

(6) We have amended clause 9 so as to apply it to cases of releases under section 124, Criminal Procedure Code.

(7) In clause 14, we have introduced expressions which would have the effect of reducing the term of imprisonment which may be awarded by the Local Government to

(i) the unexpired residue of the term of detention ; or

(ii) the maximum period of punishment fixed for the offence ; or

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(iii) the maximum punishment awardable by the trying magistrate

whichever is the shortest. We have also deleted clause 2 of this clause.

(8) We have introduced amendments in clause 15 requiring that an inmate released on licence shall not be entrusted to a religious society not professing the same religion as himself.

(9) We have also decided that a clause should be introduced in the Bill expressly laying down that appeals and revision provided in the Criminal Procedure Code against sentences of imprisonment shall be available in all cases of detention under section 8 of the Bill.

4. As we have not introduced any important changes of principle, we do not think it necessary that the Bill should be republished.

5. We append a copy of the Bill as amended by us.

M. USMAN.

T. R. V. SASTRI.

P. KESAVA PILLAJ.

W. VIJIARAGHAVA MUDALIYAR.

R. MADANAGOPAL.

C. V. S. NARASIMHA RAJU.

R. SRINIVASA AYYANGAR.

M. C. RAJA.

M. GHOUSE MIAN.

V. H. SULTAN MARAKKAYAR.

* C. V. VENKATARAMANA AYYANGAR.

P. C. ETHIRAJULU NAYUDU.

M. RATNASWAMI.

M. KRISHNAN NAYAR.

J. A. SALDANHA.

T. ADINARAYANA CHETTIYAR.

A. RAMASWAMI MUDALIYAR.

C. NATESAN.

J. P. CAMERON.

V. T. KRISHNAMA ACHARIYAR.

K. V. REDDI.

7th October 1925.

[16th December 1925]

MINUTE OF DISSENT.

I am very glad that the Select Committee has adopted many of the amendments I wanted to be made in the original Bill, but there is one important point on which I was not able to induce the committee to agree with me.

As the Bill is framed, the Borstal school is considered practically to be a prison under the Inspector-General of Prisons and this will lead to the school being managed by prison officers, to the officers and inmates getting gradually, if not at once, some prison dress and to the prison discipline being introduced into the school. I am not for any of these things, and I am strongly of opinion that the inmates of the school should never be made to think that they are convicts and that they are subject to a jail discipline. I would therefore like that no power is given under the Act to the Inspector-General and that all powers now given to the Inspector-General under the Bill should be given to the Local Government. But I have no objection to a clause being added empowering the Local Government to delegate all or any of their powers under the Act to any officer subordinate to them. They may then think of delegating some powers to the Director of Public Instruction, the Director of Industries, or the Labour Commissioner or even to the Inspector-General of Prisons.

There is another point also to which I may make some reference. Under clause 8 of the Bill, an adolescent offender may be sent to a Borstal school only if it appears to the Court that the offender should 'by reason of his criminal habits or tendencies or association with persons of bad character' be subject to detention. I want the underlined words to be taken away and the words 'for any reason that may appear to the Court to be satisfactory' should be substituted for them. If the Borstal schools are really useful to adolescent offenders, there is no reason why there should be any restriction at all. There may be cases where some youths commit a serious offence under some provocation or as the result of some mistaken impression and there may not be any evidence of any criminal habits or tendencies or association with bad characters, and there is absolutely no reason why they

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should be sent to an ordinary jail and not to the Borstal school. Also it is not desirable that a regular enquiry should be made under this clause as to all that has been or has not been done by an unfortunate youth before his conviction.

C. V. VENKATARAMANA AYYANGAR.

10th October 1925.

[Note.—The alterations made by the Select Committee are printed in clarendon type.]

BILL No. 7 OF 1925

A

BILL

To make provision for the establishment and regulation of Borstal schools for the detention and training of adolescent offenders.

WHEREAS it is expedient to make provision for the establishment and regulation of Borstal schools in the Presidency of Madras for the detention and training of adolescent offenders therein; and WHEREAS the previous sanction of the Governor-General under section 80-A of the Government of India Act has been obtained to the passing of this Act; It is hereby enacted as follows :— Preamble.

PART I

PRELIMINARY

1 (1) This Act may be called the “ Madras Borstal Short title,
Schools Act, 1925.”

(2) The Local Government may, by notification, from time to time, apply the whole or any of the provisions of this Act to adolescent offenders or any class thereof in any local area in the Presidency of Madras, from such date as may be specified in the notification and may cancel or modify such notification.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) ‘ Adolescent offender ’ means any person who has been convicted of any offence punishable with imprisonment or who having been ordered to give security under

[16th December 1925

section 118 of the Code of Criminal Procedure has failed to do so and who at the time of such conviction or failure to give security is not less than 16 nor more than 21 years of age ;

(2) 'Borstal school' is a corrective institution wherein adolescent offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime ;

(3) 'Inspector-General' shall mean the Inspector-General of Prisons and shall include any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector-General.

(4) 'Prescribed' means prescribed by rules made by the Local Government under the provisions of this Act.

Establish-
ment of
Borstal
schools

3. (1) For the purposes of this Act, the Local Government may establish one or more Borstal schools.

(2) For every Borstal school a Visiting Committee shall be appointed in such manner as may be prescribed.

Rules

4. (1) The Local Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made with regard to—

- (a) the control and management of Borstal schools established under this Act ;
- (b) the appointment, powers and duties of officials in such schools ;
- (c) the constitution, powers and duties of Visiting Committees ;
- (d) the classification, treatment, maintenance, education, industrial training and control of the inmates ;
- (e) the temporary detention of adolescent offenders until arrangements can be made for sending them to Borstal schools.

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(3) All rules made under this section shall be published in the local official gazette and, on such publication, they shall have the same effect as if enacted in this Act.

5. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Prisons Act, 1894, and the Prisoners Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act as if it were a prison and the inmates prisoners.

Application of the Prisons Act, 1894, and the Prisoners Act, 1900

6. The Powers conferred on Courts by this Act shall be exercised only by (a) the High Court, (b) a Court of Session, (c) a District Magistrate, (d) a Subdivisional Magistrate, (e) a salaried Presidency Magistrate and (f) any Magistrate of the first class specially empowered by the Local Government in that behalf; and may be exercised by such Courts whether the case comes before them originally, on appeal, or in revision.

Courts empowered under this Act

7. (1) When any Magistrate not empowered to pass sentence under this Act is of opinion that an adolescent offender is a proper person to be detained in a Borstal school, he may, without passing sentence, record such opinion and submit his proceedings and forward the adolescent offender to the District Magistrate or Subdivisional Magistrate to whom he is subordinate.

Procedure is where the Magistrate not empowered to pass sentence under this Act

(2) The District Magistrate or Subdivisional Magistrate to whom the proceedings are so submitted may make such further inquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such adolescent offender had originally been tried by him.

PART II

COMMITTAL TO BORSTAL SCHOOLS.

8. Where it appears to a Court having jurisdiction under this Act that an adolescent offender should, by reason of his criminal habits or tendencies, or association with persons of bad character, be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime, it shall be lawful for the Court, in lieu of passing a sentence of imprisonment, to pass a sentence of detention under penal discipline in a Borstal

Power of Court to pass sentence of detention in Borstal school.

[16th December 1925]

school for a term which shall not be less than **two** years and shall not exceed five years :

Provided that, before passing such sentence, the Court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Limitation on powers conferred by section 8.

9. Any person detained in a Borstal school for failure to furnish security when ordered to do so under section 118 of the Code of Criminal Procedure, 1898, shall be released on furnishing such security **or on the passing of an order under section 124 of the Code.**

Power of Inspector-General to transfer prisoners to Borstal school.

10. The Inspector-General may, subject to rules made by the Local Government, if satisfied that any adolescent offender undergoing imprisonment in consequence of a sentence passed either before or after the passing of this Act might with advantage be detained in a Borstal school, direct that such person shall be transferred from prison to a Borstal school, there to serve the whole or any part of the unexpired residue of his sentence. The provisions of this Act shall thereupon apply to such person as if he had been originally sentenced to detention in a Borstal school.

Preliminary inquiry and finding as to age of adolescent offender

11. (1) Before passing a sentence under section 8 the Court shall inquire into the age of the offender and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon stating his age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every magistrate not empowered to pass sentence under section 8 before submitting his proceedings and forwarding an adolescent offender to the District Magistrate or Subdivisional Magistrate as required by sub-section (1) of section 7.

Government to determine the Borstal school to which adolescent offender shall be sent.

12. Every adolescent offender directed by a Court to be sent to a Borstal school shall be sent to such Borstal school as the Local Government may, by general or special order, appoint for the reception of adolescent offenders so dealt with by such Court :

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Provided that, if accommodation in a Borstal school is not immediately available for such adolescent offender, he may be detained in a special ward or such other suitable part of a prison as the Local Government may direct until he can be sent to a Borstal school. The period of detention so undergone shall be treated as detention in a Borstal school.

13. The Inspector-General may at any time order an inmate to be removed from one Borstal school to another, provided that the whole period of his detention in a Borstal school shall not be increased by such removal.

Removal from one school to another.

14. Where a person detained in a Borstal school is reported to the Local Government by the Visiting Committee of such school to be incorrigible or to be exercising a bad influence on the other inmates of the school, the Local Government may commute the unexpired residue of the term of detention to such term of imprisonment, of either description as the Local Government may determine, but in no case exceeding

Transfer of incorrigibles, etc., to prisons.

- (a) such unexpired residue, or
- (b) the maximum period of imprisonment fixed for the offence or the failure to give security as the case may be, or
- (c) the maximum period of imprisonment which the Court that tried him had authority to award under the Code of Criminal Procedure, 1898,

whichever is shortest.

PART III.

RELEASE ON LICENCE.

15. (1) Subject to any general or special directions of the Local Government, the Inspector-General, on the recommendation of the Visiting Committee, may at any time after the expiration of six months from the commencement of the term of detention, if satisfied that there is a reasonable probability that the inmate will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from the Borstal school on condition that he be placed under the supervision or authority of any Government officer, or

Power to release on licence.

*

[16th December 1925]

secular institution, or person, or religious society professing the same religion as the inmate, named in the licence who may be willing to take charge of him.

(2) A licence under this section shall be in force until the term for which the offender was sentenced to detention has expired, unless sooner revoked or forfeited.

Form of
licence.

16. Every licence granted under section 15 shall be in such form and shall contain such conditions as may be prescribed.

Revocation of
licence.

17. Subject to any general or special directions of the Local Government, a licence granted under section 15 may be revoked at any time by the Inspector-General and where a licence has been revoked the person to whom the licence related shall return to the Borstal school.

Escape and
forfeiture of
licence.

18. If any inmate escapes from a Borstal school or if any inmate absent on licence from a Borstal school removes himself from the supervision of the society or person in whose charge he is placed or fails to return from such supervision to the Borstal school, a police officer **not below the rank of a sub-inspector of Police** may, without orders from a Magistrate and without warrant, arrest him and take him back to the Borstal school and his licence shall be forfeited with effect from the date of his escape or failure to return as the case may be.

Absence
under
licence to be
counted
towards
period of
detention.

19. The time during which a person is absent from a Borstal school under a licence shall be treated as part of the term of his detention in the school; provided that where that person has failed to return to the school on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the term during which he is to be detained in the school.

PART IV.

Appeal and Revision.

Appeal
and
revision.

20. For purposes of appeal and revision under the Code of Criminal Procedure, 1898, a sentence of detention under section 8 of this Act shall be deemed to be a sentence of imprisonment for the same period.

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PART V

Miscellaneous.

21. In areas to which the Madras Children Act, 1920, has not been extended the figure 16 appearing in section 2 (1) of the Act shall be read as 15.

Minimum
age-limit
of adoles-
cents in
areas to
which the
Madras
Children
Act, 1920,
has not
been
extended

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 17th December 1925.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY, M.A., Bar-at-Law) in the chair.

PRESENT :

Ramaswami Ayyar, K.C.I.E., The hon. Sir C. P.
 Marjoribanks, C.S.I., C.I.E., The hon. Mr. N. E.
 Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
 Moir, C.S.I., C.I.E., The hon. Mr. T. E.
 Raja of Panagal, The hon. the.
 Patro, Kt., The hon. Rao Bahadur Sir A. P.
 Sivagnanam Pillai, The hon. Diwan Bahadur T. N.
 Abdul Hye Sahib Bahadur.
 Abdulla Ghatala Sahib Bahadur.
 Adinarayana Chettiyar, Mr. T.
 Anjaneyulu, Mr. P.
 Appavu Chettiyar, Mr. D.
 Arpudaswami Udayar, Mr. S.
 Arumuga Nadar, Mr. P. K. S. A.
 Biswanath Das Mahasayo, Sriman.
 Boag, Mr. G. T.
 Cameron, C.I.E., I.M.S., Lt.-Col. J. P.
 Chidambara Nadar, A.
 Davis, Mr. J. A.
 Devendrudu, Mr. N.
 Ellappa Chettiyar, Rao Sahib S.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Gangaraju, Mr. M.
 Gopalan, Rao Sahib P. V.
 Guruswami, Mr. L. C.
 Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-la
 Heggade, Mr. D. Manjappa.
 Kesava Pillai, C.I.E., Diwan Bahadur P.
 Khadir Mohiddin Elyas Khan Sahib Bahadur.
 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
 Krishnan Nayar, Diwan Bahadur M.
 Krishna Rao Pantulu, Rao Bahadur A. S.
 Krishnama Achariyar, Rao Bahadur V. T.
 Krishnaswami Nayudu, Rao Bahadur K.
 Kuppuswami, Mr. J.
 Madanagopal Nayudu, Mr. R.
 Madhava Raja, Mr. V.
 Madurai, Honorary Lieutenant.
 Mallesappa, Mr. T.
 Marthandam Pillai, Mr. P. N.
 Maruthavanam Pillai, Mr. C.
 Moidu Sahib, Mr. T. M.
 Muhammad Sahib Bahadur, T. N.
 Muniswami Nayudu, Mr. B.
 Murugappa Chettiyar, Rao Bahadur A. M.
 Muttayya Mudaliyar, Mr. C.

Muttayya Mudaliyar, Mr. S.
 Narasimbacharlu, Rai Bahadur T. M.
 Narasimha Raju, Rao Bahadur C. V. S.
 Narayanan Nambudiripad, Rao Bahadur O.M.
 Narayanaswami Pillai, Mr. T. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Obalesappa, Mr. B.
 Pandrang Row, Mr. V.
 Pantulu Ayyar, Mr. V.
 Peddiraju, Mr. P.
 Ponruswami Nayudu, Mr. C.
 Ponnuswami Pillai, Mr. K. S.
 Prabhakaran Tampar, Mr. K.
 Premayya, Mr. G.
 Raghuchandra Ballal, Mr. K.
 Raja, Rao Bahadur M. C.
 Raja of Ramnad.
 Rajan, Mr. P. T.
 Rajappa, Mr. P. S.
 Ramachandra Reddi, Mr. B.
 Raman, Rao Bahadur P.
 Ramachari, Rao Sahib K. V.
 Ramalinga Chettiyar, Rao Bahadur T. A.
 Ramalinga Reddi, Mr. C.
 Ramaswami Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. A.
 Ross, Mr. T. M.
 Sagaram, Mr. P.
 Saldanha, Mr. J. A.
 Samuel, Mr. J. D.
 Sarabha Reddi, Mr. K.
 Sarvarayudu, Mr. K.
 Sasibhushan Rath Mahasayo, Sriman.
 Satyamurti, Mr. S.
 Sitayya, Mr. M.
 Srinivasa Ayyangar, Mr. R.
 Srinivasan, Rao Sahib R.
 Subbarayan, Dr. P.
 Sundaramurti, Rao Sahib P. V. S.
 Symons, Major-General T. H.
 Uppi Sahib Bahadur, K.
 Veerian, Mr. R.
 Vellingiri Gounder, Mr. V. C.
 Venkatachalam Chetti, Mr. S.
 Venkatachala Padayachi, Mr. K.
 Venkatapatirazu, Mr. P. C.
 Venkataramana Ayyangar, Mr. C. V.
 Venkatarama Sastriyar, Mr. T. R.
 Windle, Capt. E. G.
 Zamindar of Kallikota.

[17th December 1925]

I

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—*

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS.

Fisheries.

Stock of tins in the Fisheries department.

* 1142 Q.—MR. C. GOPALA MENON: With reference to the last administration report of the Fisheries department showing that there was a balance of 179,426 tins on 31st March 1924, valued at Rs. 54,027, will the hon. the Minister for Development be pleased to state—

- (a) how many of these have since been sold;
- (b) how many destroyed as being unfit for consumption; and
- (c) how many are still in stock for disposal?

A.—(a) It is not possible to furnish the information asked for by the hon. Member with reference exclusively to the stock on hand as at 31st March 1924. During the year 1924–25, 41,749 tins were added to the stock, bringing the total to 221,175 tins. Of this total, 43,966 tins were sold between 1st April 1924 and 31st July 1925.

(b) Ten thousand eight hundred and eight tins were destroyed during the above period.

(c) One lakh sixty-six thousand four hundred and one tins were in stock on 31st July 1925.

MR. S. SATYAMURTI:—“With reference to the answer to clause (b) of the question, may I ask the hon. the Minister whether the figures given are correct? From the figures given there, it would seem that only 1,500 tins have been sold for the whole year. I am drawing that inference from the figures given there, and I want to know whether the figures are correct.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI:—“It is not so. I shall explain the situation. The number of tins that we had in stock on the 1st April 1924 was 179,426; in 1924–25 there were manufactured 41,749 tins, and that gave a total of 221,175 tins; out of these 43,966 tins were sold and the balance is 177,209 tins.”

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Mr. S. SATYAMURTI :—“ I know these figures. I am asking merely a mathematical matter. During the year 41,749 tins were added and during the year 43,966 tins were sold. Therefore, am I right in inferring that only 1,500 were sold during that year ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ Over and above.”

The RAJA OF RAMNAD :—“ May I know why these tins were not sent to the various markets in the Presidency ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ Steps are being taken.”

Mr. T. ADINARAYANA CHITTIYAR :—“ Of the 10,808 tins destroyed, may I ask whether they could not have been sold as fish manure for crops ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I shall make enquiries.”

Mr. S. SATYAMURTI :—“ May I ask, Sir, of this total of 43,966 tins how much of it represents the old stock referred to in the question and how much of it represents the addition ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ We are not keeping any accounts showing how much represents the old sales and how much the new sales. Both are put together as one unit.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ It is said here that 43,966 tins were sold during the period between 1st April 1924 and 31st July 1925. In (b) it is said that 10,808 tins were destroyed during the above period. Since then some months have passed and may we know how many more tins have been added to these ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ The number of tins sold and the number of tins destroyed are given here. All that the hon. Member, Mr. Satyamurti, asked was how much of the old stock had been sold, and how much of the new stock had been sold. The answer I gave was that we do not keep separate accounts.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I have nothing to do with Mr. Satyamurti's question. I am referring to the last sentence of the answer in clause (a) which gives a figure for tins sold during the period 1st April 1924 and 31st July 1925. I take it that the answer given has reference to the state of affairs on the date when the answer was sent. I am only asking whether a large portion of the stock on hand has been destroyed since that date, i.e., from 1st August 1925.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ There has been no manufacture from the 1st April 1925 to 31st July 1925.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, I am not concerned with further manufacture which does not mean sale or destruction. I want to know whether there have been any further additions to the tins destroyed.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ Figures are not available.”

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Sriman SASIBHUSHAN RATH Mahasayo :—" In view of the heavy surplus stock, may I know what special arrangements have been made to dispose of those tins, except by way of destruction ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Action has been taken towards their rapid sale."

Mr. T. ADINARAYANA CHETTIYAR :—" In the interests of the health of the public, may I know whether precautions have been taken to segregate the old tins from the new ones so that by carelessness the old injurious tins may not be sold to the public ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" If the tins are condemned, they are destroyed."

Mr. C. V. VENKATARAMANA AYYANGAR :—" It is rather a curious thing how they are able to find out whether the fish within could be judged by inspecting the tins outside. We are only anxious to know whether any information can be given whether any destruction has been effected since the date 31st July 1925."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I am unable to understand the hon. Member's difficulty. What is stated by the questioner refers to a certain balance of tins, and the questioner asks what sales and issues were made. But what I say is that the stock plus the manufactured tins make up a unit, and from that unit as the stock in hand I have given the number of tins sold and the number destroyed "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know whether the hon. the Minister is sure that out of the tins sold there was old stock ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Some are old and some new."

Sriman SASIBHUSHAN RATH Mahasayo :—" With regard to their prices, Sir, may I know how the prices compare with those of the imported goods ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Notice, Sir."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the question of their fitness or unfitness for consumption depends in any way on the length of period during which these tins have been kept unopened ? "

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" I should think so. But we have expert opinion that for seven years they can be kept fit."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" Having regard to the answer just now given, may I know what steps have been taken to reduce the quantity of production of these tins till the old stocks are cleared off ? I see from the figures given that annual production is four times the annual sale. Because it will be seen that the number of tins sold was 43,966, whereas the number of tins in stock was 179,426, about four times. Having regard to that very large stock in hand I want to know what steps have been taken to bring down the production."

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" As already stated further manufacture has been stopped."

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Mr. A. RANGANATHA MUDALIYAR :—“ May I ask whether these tins are kept apart one from the other according to the year of production ? ” 11-15
a.m.

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I have no information.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (b), may I ask if these 10,808 tins were destroyed as being unfit for consumption and, if so, on whose recommendation and what is the loss to the State by this destruction ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ They were destroyed on the authority of the Director of Fisheries ; and as regards the cost it is somewhere near Rs. 5,000.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (c), may I ask in view of the large stock on hand whether the Government have satisfied themselves that the quality of the contents of the tins and the price thereof compare favourably with the quality of the contents of the tins in the market and the price ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ Our prices are slightly higher than the market prices.”

Mr. P. ANJANEYULU :—“ May I know for how many years these 10,808 tins were in stock ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I want notice.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ I want to know, Sir, who is responsible for the delay of four months from the date of sending this question from the office and the answer received at the office. The result is, although four months have elapsed, the hon. the Minister is not in a position to say as to the nature of the stock at present. I also want to know, in view of what has been said by you and your predecessor, whether the Government have applied for time in this particular case and, if so, on how many occasions.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is it not a question that should be raised at the end of question time ? ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Has the department obtained the opinion of any expert doctor that fish could be kept for seven years without deterioration, because the Director of Fisheries may not be a doctor ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ He is our expert.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Is it not better, Sir, that the Government should obtain the opinion of some experts that fish could be kept for seven years before they are sold to the unsuspecting public ? Is it any consolation to the people that die that the lay Director of Fisheries thought that seven-year old fish can be safely eaten by people ? ”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ It will be nullifying our sales.”

[17th December 1925]

Education.*Introduction of the conscience clause in the Grant-in-Aid Code.*

*.1143 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education be pleased to state—

(a) whether he has received the opinions of the district educational councils regarding the introduction of the conscience clause in the Grant-in-Aid Code and the mother tongue being made the medium of instruction in the high schools ;

(b) when he proposes to place them on the table ; and

(c) what action, if any, the Government propose to take on them ?

A.—(a) The opinions of the district secondary education boards and not of the district educational councils have been received.

(b) & (c) Orders on the question of the adoption of vernaculars as the media of instruction in high schools have been issued in G.O. No. 1851, Law (Education), dated 27th October 1925, which ^a is laid on the table. The Director of Public Instruction's letter, R.O. No. 82-D/24, dated 5th November 1924, printed with the Government Order, contains the opinions of the boards on the question.

The question of introducing a conscience clause in the Grant-in-Aid Code is under consideration ; the question of placing the opinions of the district secondary education boards on this subject on the table will be considered.

Mr. S. SATYAMURTI :—“ With reference to clauses (b) and (c), may I ask the hon. the Minister why he passed orders on such an important matter as the introduction of ‘ vernaculars ’ as the media of instruction and examination in secondary schools without giving the Council an opportunity to give its opinion ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ It is the duty of the department to pass orders.”

Mr. S. SATYAMURTI :—“ I know it obviously. May I ask the hon. the Minister (it behoves him to be more serious) why the Government passed orders without giving an opportunity to this House to express its opinion on a very important educational matter of this kind ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ Because educational experts, such as the Academic Council, the Council of Affiliated Colleges, have expressed their opinion and also a majority of the secondary education boards expressed their opinion definitely, Government did not think it necessary to place it before the Council.”

Mr. S. SATYAMURTI :—“ With reference to the question which is still pending [second paragraph of the answer to (b) and (c)], may I ask if the Government will be good enough to consult this Council before they pass orders on the introduction of the conscience clause in the Grant-in-Aid Code ? ”

^a Laid on the Table on 14th December 1925.

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The hon. Rao Bahadur Sir A. P. PATRO :—" I regret, I do not see any necessity, because the principle was raised in the Senate of the Madras University in connexion with the grants to be given by the Senate, moved by the hon. Member himself, and the Senate did not accept that resolution."

Mr. S. SATYAMURTI :—" I am sorry the hon. Member has raised a very difficult point. You will pardon me, Sir, if I really add one or two sentences before I put the question. The Senate is not financing educational institutions. The Senate is either recognizing constituent colleges or affiliating mufassal colleges. The proposition therefore which I moved in the Senate was that before recognition or affiliation is granted the University should insist upon a conscience clause being introduced into those institutions where religious instruction is compulsory. The main argument against me was that it was a matter for the Legislative Council and not for the Senate. It is a case for the tax-payer who is represented here and pays for the institutions. Therefore that argument is wholly irrelevant. I am asking with regard to secondary schools, the provision for which comes from the tax-payers' money, whether he will give this Council which is seized of this matter an opportunity of expressing its opinion."

The hon. Rao Bahadur Sir A. P. PATRO :—" The Senate of the Madras University having expressed its opinion on the matter, I do not see any need to place the matter before the Council. Secondly, the Council expressed its opinion on this subject some time ago."

Mr. S. SATYAMURTI :—" On these two matters, the Grant-in-Aid Code is not the Code of the Senate."

The hon. the PRESIDENT :—" I think we may leave the Senate out of discussion; let us confine ourselves to our own jurisdiction."

Mr. S. SATYAMURTI :—" I am much obliged to you Sir. Therefore may I ask the hon. the Minister if he does not think it proper to give an opportunity to this Council to express its opinion on the question of amending the Grant-in-Aid Code on the question of the conscience clause? This House, may I remind him on his own statement, has not given any opinion so far."

The hon. Rao Bahadur Sir A. P. PATRO :—" Is given."

Mr. S. SATYAMURTI :—" I am referring to my Friend Mr. C. V. Venkataramana Ayyangar's resolution. On that resolution if the hon. the Minister refreshes his memory by his speech on the No-Confidence debate—he did not give any lead to the Council and it simply passed on—I am asking the hon. the Minister the reasons why he refuses to give an opportunity to this Council to discuss this very vital question—he has a majority—why should he deny the minority an opportunity of expressing its views?"

The hon. Rao Bahadur Sir A. P. PATRO :—" The minority had an opportunity to express its opinion in this House. I do not think any useful purpose will be served by raising the discussion again."

Mr. C. V. VENKATARAMANA AYYANGAR :—" That is not a matter for the consideration of the Government. The second paragraph says that the question is under consideration. We want to suggest to the hon. the Minister, before the Government comes to a decision, whether we may not be given an opportunity also to help the Government."

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The hon. Rao Bahadur Sir A. P. PATRO :—"That is giving an opportunity to every private member; it is a suggestion for action and therefore it is not relevant."

Alleged objection to an Adi-Dravida student's living with Thiyyas.

* 1144 Q.—MR. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) whether the Nair Headmaster of the Government Training School, Calicut, did not allow an Adi-Dravida student to live with the Thiyyas although they had no objection to their living side by side, and that the Adi-Dravida student was compelled to live in one of the distant out-houses; and

(b) whether he could place on the table the report of the District Educational Officer on the matter, submitted to the Director of Public Instruction, together with the order passed thereon by the Director of Public Instruction?

A—(a) The attention of the hon. Member is invited to the answers to questions No. 912 and No. 874.

(b) The answer is in the negative.

Local Boards and Municipal Councils.

Recommendation by the Oriya Mahajana Sangam, Rajahmundry, for a nominated seat on the Godavari District Board.

* 1145 Q.—MR. R. VEERIAN : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any resolution submitted by the Oriya Mahajana Sangam, Rajahmundry, recommending one Mr. D. Ramamurthy as a suitable candidate to be nominated to the Godavari District Board has been received by the Government on or about the 27th instant; and

(b) if so, the result of the resolution?

A—(a) Yes.

(b) The Government considered that other communities had stronger claims to representation in the Godavari District Board than the Oriya community.

Sriman SASIBHUSHAN RATH Mahasayo :—"What other communities are supposed to have stronger claims than the Oriya community?"

The hon. the RAJA OF PANAGAL :—"The Oriya community in Rajahmundry is not considered an important community."

Sriman SASIBHUSHAN RATH Mahasayo :—"Is it considered a minority community?"

The hon. the RAJA OF PANAGAL :—"I said it is not an important community."

Sriman SASIBHUSHAN RATH Mahasayo :—"What is meant by 'not an important community,' Sir?"

The hon. the RAJA OF PANAGAL :—"There may be a handful of men there."

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Throwing open the public Brahman streets of Narayanavaram.

* 1146 Q.—Mr. R. VEERIAN: With reference to question No. 112 answered at the meeting dated 19th August 1925, regarding the depressed classes sweepers in Narayanavaram, will the hon. the Minister for Local Self-Government be pleased to state what action the Government propose or intend to take in the matter of throwing open the public Brahman streets of Narayanavaram, Chittoor district, to all classes of people?

A.—The streets are already public streets and no further action is necessary on the part of Government to throw them open to the public.

Mr. R. VEERIAN:—“Sir, after passing G.O. No. 37, dated 9th January 1925, the members of the so-called untouchable community were actually prevented from passing through these public pathways, especially in aghaharams. May I know whether the Government still think that no action is necessary, so as to pay some regard to the feelings of the so-called untouchable community?”

The hon. the RAJA OF PANAGAL:—“The streets are public streets and it is open to the members of any community to have use of them.”

Mr. R. VEERIAN:—“I say that they are actually prevented, and I want to know if the Government Order is still in force.”

The hon. the RAJA OF PANAGAL:—“May I know by whom they are prevented?”

Mr. R. VEERIAN:—“By the residents of that locality, people who are living in aghaharams.”

The hon. the RAJA OF PANAGAL:—“Then they must insist on enforcing their rights through courts of law.”

Mr. J. A. SALDANHA:—“May I ask whether it is suggested that these poor people should go to criminal courts? Is it not desirable in the interests of humanity that Government through its Police department should take action in the matter?”

The hon. the RAJA OF PANAGAL:—“I think it is the duty of the philanthropists.”

Mr. R. VEERIAN:—“May I know why there should be an additional clause in G.O. No. 37 to the effect that depressed classes should pass through aghaharams only when there are business centres connected with the aghaharam?”

The hon. the RAJA OF PANAGAL:—“I am afraid that that question does not arise from the answer given.”

Nominations to the Salem District Board.

* 1147 Q.—Mr. R. VEERIAN: With reference to question No. 218 regarding nominations to Salem District Board answered at the meeting dated 20th August 1925, will the hon. the Minister for Local Self-Government be pleased to state why no Indian Christian was nominated?

A.—The Rev. Thottalam Narasimbam, an Indian Christian, has since been appointed as a member of the Salem District Board.

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Communal representation in the local boards of Coimbatore district.

* 1148 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the names of the elected and nominated members of the Indian Christian community, whether Protestant or Catholic representing the said community, in the Coimbatore district board and in the Coimbatore taluk board; and

(b) what is the name of the member in the Coimbatore taluk board belonging to Muhammadan community nominated to represent that community?

A.—M.R.Ry. R. S. Viswasam Avargal, an Indian Christian, was appointed to be a member of the Coimbatore District Board. There is no member of the Indian Christian or Muhammadan community on the Coimbatore Taluk Board. The attention of the hon. Member is in this connexion invited to G.O. No. 3838, L. & M., dated 21st October 1925, a copy of which has already been furnished to him.

Mr. R. VEERIAN:—"May I know the reason why no member of the Indian Christian or Muhammadan community was given a chance of nomination to the Coimbatore Taluk Board?"

The hon. the RAJA OF PANAGAL:—"Nomination of members to taluk boards are made by the presidents of the district boards. Probably the President might not have found a man suitable for nomination."

Mr. J. A. SALDANHA:—"May I know whether it is a fact that at present there is not a single Indian Christian on the Coimbatore District Board at present?"

The hon. the RAJA OF PANAGAL:—"That does not form part of this question."

Mr. R. VEERIAN:—"May I know whether the Government do not approve all the names whenever a president of a district board sends his nominations before they are gazetted?"

The hon. the RAJA OF PANAGAL:—"No, Sir."

Public Health.*Water-supply scheme in Coimbatore Municipality.*

* 1149 Q.—Mr. C. V. VENKATARAMANA AYYANJAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the question has been settled as to who should carry out the Coimbatore water-supply work as between the Government and the Municipality;

(b) whether it has been finally ascertained whether the total cost would exceed the original estimate or not, and if it would exceed it, whether the Government have finally agreed to pay it themselves in view of the refusal by the municipality to bear any portion of the excess;

(c) whether all the pipes required for the work have been delivered and, if not, what portion of the pipes have been delivered;

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(d) whether all the pipes delivered till now were made in India and, if not, what portion has been made in India; and

(e) whether any arrangements have been made to test the pipes before or after delivery and, if so, which officer tests them now, where and when?

A.—(a) Under the existing arrangement the work will be carried out by the Public Works Department. The Chairman, Municipal Council, Coimbatore, has proposed that either the centage charges for the work should be reduced or the Council permitted to carry out the work by its own agency. The question is under the consideration of the Government.

(b) The scheme is now estimated to cost Rs. 38,68,250 compared with the original estimate of Rs. 41 lakhs.

(c) According to the agreement entered into with the South Indian Export Company, the supply of pipes should commence from March or April 1925 and be completed by the 30th of September 1926 unless delayed by strikes, etc. The Government have no information as to the quantity of pipes actually delivered up to date.

(d) The Government have no information.

(e) Under the agreement entered into with the South Indian Export Company the pipes should be tested at the Bengal Iron Company's works and test certificates supplied to the Executive Engineer. The contractor should give the Engineering officers of the Madras Government or the Government of India every facility to attend the company's tests or to carry out the tests themselves.

Mr. C. V. VENKATARAMANA AYYANGAR :—"With reference to question (d), I have to connect this answer with the answer given to (e). In the agreement it is stated that the pipes should be tested in the Bengal Iron Company's works. We all know that a very large number of pipes have been delivered; and are lying on the roads of Coimbatore town. It is a matter on which the Government should have some information. The pipes that have been delivered should have been tested at the Bengal Iron Company's works before they were delivered. We were told one of the conditions of the agreement was that these pipes should be made in India. The first portion only of clause (d) is answered. May I ask whether the Government will be pleased to get information and tell us whether all the pipes delivered till now were made in India and, if not, what portion has been made in India?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Notice."

Mr. C. V. VENKATARAMANA AYYANGAR :—"The question is here, whether the pipes delivered till now were made in India, and the Government say that they have no information. Taking this clause with answer to (e), I submit that the Government or at least the head of the department or somebody must have the information, because these pipes must have been tested in the Bengal Iron Company's works before they left those works. I ask simply whether any of them has been tested and, if so, who tested them, and, if tested, where they were made. To ask for notice again is certainly not fair. I have

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no objection to the hon. the Minister taking time. The information must be with the Public Works authorities, because the answer to (a) says the work is being carried out by the Public Works Department."

The hon. Rao Bahadur Sir A. P. PATRO :—" I shall call for the information and supply it to the hon. Member."

Finance.

Amounts distributed to departments out of the recent remission from the Government of India.

^a 1150 Q.—MR. R. VEERIAN: With reference to question No. 338 answered at the meeting dated 24th August 1925, will the hon. the Member for Finance be pleased to state the amounts distributed to various improvements under various heads of departments out of the recent remission of about 126 lakhs of rupees from the Government of India?

A.—A statement ^b is placed on the table.

11-30
a.m.

* MR. S. SATYAMURTI :—" With reference to the appendix to this question, may I ask the hon. the Finance Member or whoever replies for him how they allotted Rs. 2'19 lakhs for schemes under appendix A from out of the remission seeing that some of the items under it do not concern the transferred departments? It was agreed both on the floor of the Legislative Assembly and here that it should be set apart for expenses under the transferred departments."

The hon. the PRESIDENT :—" To whom is the question put? "

MR. S. SATYAMURTI :—" To the Finance Member, Sir. He seems to be absent. May I ask you whether he or his Secretary has made any arrangement with you for answering this question? If not, may I draw your attention to this want of courtesy on the part of the Finance Department when a question is on the table to be answered by them, that neither he nor his Secretary should be here nor arrangements made for it being answered? In the House of Commons, if the Minister concerned is not present, he has to inform Mr. Speaker and make arrangements with his Colleagues."

The hon. Sir C. P. RAMASWAMI AYYAR :—" May I ask the hon. Member to put the question at the end of question time? The hon. the Finance Member had a special item of business to attend to and he expected it to be finished before 11 o'clock. I will send for him now and he will be present at the end of question time when this question may be put."

MR. S. SATYAMURTI :—" I am not unwilling to accommodate the hon. the Law Member. If Members of the Treasury Bench are otherwise employed or expect to be otherwise employed, they should make representations to you, Sir, and arrange for the answering of the questions."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not deny that for a moment. A particular telegram had to be sent by to-day and there

^a N.B.—For supplementary questions to this question, please see after Question No. 1166 at page 390 infra.

^b Printed as Appendix I on pages 436-440 infra.

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was a meeting of the Members of Government. Apparently he is drafting that telegram hoping to finish it before he was called on. I will send for him at once."

Mr. S. SATYAMURTI:—"May I ask what has become of the Finance Secretary who is also a member of the House?"

Depressed Classes.

Grant of poramboke land for house-sites in Mangadu.

* 1151 Q.—Rao Sahib R. SRINIVASAN: With reference to an answer to questions (a) and (c) of 724 put on the 13th October 1924 regarding applications for house-sites on a poramboke land survey No. 74-2 in the village No 53. Mangadu, will the hon. the Home Member be pleased to state whether the Government have decided to grant the land to members of the depressed classes who have enjoyed them for over three years?

A.—Yes

Delay in starting of labour schools.

* 1152 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state why labour schools have not yet been started in most of the districts?

A.—The activities of the Labour department have been extended to ten districts in the Presidency and schools have been opened in all of them. It is obviously impossible for the Labour department to start schools in districts to which its operations have not been extended.

Mr. R. VEERIAN:—"Sir, in the latter part of the answer I find it stated that it is obviously impossible for the Labour department to start schools in districts to which its operations have not been extended. As a matter of fact in Salem district where there is no Labour department working, I see a labour school has been started. When such is the case, I want to know where the difficulty is in starting labour schools in the districts where there are no labour departments."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"It is obvious that we cannot establish labour schools where the Labour department is not in existence."

Mr. R. VEERIAN:—"In Salem there is no Labour department. There they have started a labour school. I want to know the reason why they are feeling it difficult to start labour schools in the district where there is no Labour department working."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I do not know if the statement made by the hon. Member is accurate. I want notice."

Mr. J. A. SALDANHA:—"May I know why more honorary labour officers could not be appointed?"

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In view of the statement made on a former occasion, may I know why the activities of this department have not been extended to other districts in the Presidency? It was, about

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two years ago, stated that it was under consideration. I expected that in the next year that would be done. May I know why it was not extended to other districts ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ The reason is obvious. It is for want of funds.”

Mr. J. A. SALDANHA :—“ In case honorary labour officers are appointed I think there will not be any extra expenditure. May I enquire whether gentlemen cannot be found in other districts willing to accept these honorary appointments ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ Sir, I should like to say that we have appointed one honorary officer as an experimental measure for one year and after one year we would be able to decide what we should do in the matter.”

Allotment of funds for sinking and deepening wells.

* 1153 Q.—Mr. R. VEERIAN : With reference to question No. 298 regarding allotment of funds for sinking and deepening wells answered at the meeting dated 21st August 1925, will the hon. the Home Member be pleased to state—

(a) why special allotments of funds for sinking and deepening wells for depressed classes in non-municipal areas were not made in other districts than Coimbatore and Madura ; and

(b) through whom the money is spent for sinking and deepening wells as well as providing pathways, burial-grounds, etc. ?

A.—(a) The attention of the hon. Member is invited to the answer given to question No. 939.

(b) The allotments for wells, pathways, etc., is spent through the District Labour Officers, the Revenue Department and the local bodies.

Jails.

Scavenging work in jails.

* 1154 Q.—Mr. R. VEERIAN : With reference to question No. 303, answered at the Council meeting, dated 21st August 1925, will the hon. the Home Member be pleased to state by whom urine and night-soil are removed from every cell of the convicts ?

A.—The removal and replacement of night-soil and urine receptacles used in cells and wards are carried out by convict sweepers.

Mr. R. VEERIAN :—“ Sir, my own information is that in every prison cell the prisoners themselves are removing urine and nightsoil and as that is so may I know why a special class of people called the Thotti class should be employed for removing urine and nightsoil ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I do not understand the question, Sir.”

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Mr. R. VEERIAN :—" My own information is that in every prison cell the removing of urine and nightsoil is done by the prisoner himself. Therefore I want to know why there should be a special class of people appointed for removing these among the depressed class convicts alone ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, in some prisons a provision is made by which each prisoner is made to do this work, but in other prisons this is not possible."

Mr. K. ABDUL HYE SAHIB :—" Is it only convicts belonging to this profession that are asked to do it ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I think it is generally so."

Mr. K. ABDUL HYE SAHIB :—" In the absence of such class of people, may I know what arrangement is made ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Then others volunteer to do the work." (Laughter).

Mr. K. ABDUL HYE SAHIB :—" Is it so, Sir ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir ; because the work is very light."

Mr. K. ABDUL HYE SAHIB :—" May I ask what arrangement is made for the purpose in the Mappilla Jail at Alipuram ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Each prisoner goes and throws his nightsoil into the incinerator."

Mr. R. VEERIAN :—" Whether it is a fact that in the Jail Manual it is provided that only the scavenging classes should do this work and that if they are not available the depressed classes should be employed for it ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Those generally accustomed to the work outside are asked to do in the prison."

Mr. R. VEERIAN :—" May I know whether the Government intend amending the Jail Manual ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" There is no intention at the present moment."

Mr. K. ABDUL HYE SAHIB :—" Are Mappilla convicts in the Alipuram jail employed on this work ? Whether the Mappilla convicts refused to do this work at any time ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I have already answered it."

Mr. K. ABDUL HYE SAHIB :—" Will the hon. Member please enquire ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" No necessity."

Labour.

Amendment of the Planters Labour Act.

* 1155 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to state—

(a) what steps Government have taken, or propose to take, to enquire into the alleged grievances of the labourers affected by the Planters Labour Act ; and

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(b) whether there are any proposals for amendment of that Act, with a view to place the relationship between the planters and labourers on a more satisfactory basis, under consideration of the Government?

A.—(a) The attention of the hon. Member is invited to the concluding portion of the answer given to question No. 429 asked at the meeting of the Legislative Council held in August last.

(b) The Government have decided to appoint a committee to consider the question of amending the Madras Planters Labour Act.

Mr. J. A. SALDANHA:—"The answer to question No. 429 refers to penalizing breach of contract of work. Now, what I want to know is whether in repealing the Workmen's Breach of Contract Act the Government of India left it to the local Government to provide special legislation for meeting the difficulties in connexion with the Planters Labour Act. I want to know whether the Government in appointing this committee have considered the desirability of enquiring into labour contract apart from labour plantations."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"The question is about the Planters Labour Act. So far as that is concerned, Government have decided to appoint a committee."

Mr. K. PRABHAKARAN TAMPAN:—"May I know whether the personnel of the committee has been decided?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"It is under consideration, Sir."

Mr. K. PRABHAKARAN TAMPAN:—"May I know whether adequate representation will be given to the interests of labour employed in the several estates?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I think so Sir."

Land Revenue.

Abnormal seasonal conditions in Bukkacherla firka.

* 1156 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the attention of the Government has been drawn to the threatening seasonal conditions in Bukkacherla firka of Anantapur taluk, and whether the Government is prepared to meet the impending famine conditions;

(b) whether it is a fact that some of the lands in Bukkacherla firka of Anantapur taluk have been sown three or four times and have been finally cleared by locust pests which caused immense loss to the ryots as mentioned therein; and

(c) whether the Government will be pleased to call for information after making necessary inquiries as regards the amount of damage and the loss caused to the ryots on account of the trouble of the triple and quadruple sowing and the devastation by the locust pests?

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- A.—(a) The Government have no ground for thinking the seasonal conditions in Anantapur taluk to be threatening. The Collector has reported recently that the state of the season on the whole is favourable so far and that there is no need for any anxiety.
- (b) The Government understand that the lands damaged by locusts in parts of Anantapur taluk were re-sown by the ryots a second time and in certain cases a third time. Locusts have now disappeared completely.
- (c) If the damage and loss has been so extensive as to justify any measure of alleviation within the power of Government, such as the grant of remission, it cannot fail to come to the knowledge of the Collector. The Government therefore do not propose to act as suggested.

Extent of grazing poramboke in Johrapuram village.

* 1157 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state with reference to sub-paragraph (3) of paragraph 4 of G O. No. 3034, Revenue, dated 24th August 1918, the extent of grazing poramboke allowed to the ryots of Johrapuram village, Alur taluk, Bellary district, before and after the settlement of the taluk?

A.—The Government have not the information asked for but have called for it.

Assignment of village grazing land in Ootacamund taluk.

* 1158 Q.—MR. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether any petition signed by the inhabitants of Mullimalai, hamlet of Kilkunda village, Ootacamund taluk, Nilgiri district, has been received by the Board of Revenue during the first or second or third week of July 1925, regarding the assignment of village grazing land to a rich land-owner though objections were raised by the villagers;

(b) if so, how the matter was disposed of by the Board of Revenue;

(c) whether it is a fact that about 10 acres in S. No. 106-B in Kachakatti village, Ootacamund taluk, were assigned to one Mr. V. Kakkamalla Gowder of the village, that about 5 acres of land in S. No. 106-B, Mullimalai village, were assigned to one Mr. Sennana Maistri, and that about 10 acres of land in S. Nos. 122, 122-A in Kachakatti village were assigned to one Mr. B. K. Belli Gowder; and

(d) if the answer is in the affirmative to clause (c), the approximate extent of patta lands of their own already possessed by them previous to the assignments?

A.—(a) to (c) The attention of the hon. Member is invited to the answer to question No. 980.

(d) The records received by Government do not contain this information.

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General.*Deputation of Sir Arthur Knapp to England.*

* 1159 Q.—Mr. J. A. SALDHANA: Will the hon. the Member for Revenue and the hon. the Law Member be pleased to state—

(a) whether the hon. Sir Arthur Knapp was sent to England on deputation;

(b) if so, on what pay, for what period and for what purpose; and

(c) whether he is continuing on the same or is on leave?

A.—The hon. Member is referred to the statement made by the hon. Sir C. P. Ramaswami Ayyar in reply to questions asked on the subject by Mr. C. V. Venkataramana Ayyangar in this Council on the 25th August last. The period of Sir Arthur Knapp's deputation has, however, been finally settled as two months and his salary during that period fixed at two-thirds the salary he drew as Member of Council. After expiry of the two months' deputation, Sir Arthur Knapp went on leave. He is still on leave.

Bench Courts.*The First-class Bench at Mangalore.*

* 1160 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) whether in reference to the answer given to question No. 130 (f) at the meeting of the Council held on 19th August 1925, there has been an order made by the District Magistrate to the effect that no cases under the Motor Vehicles Act should be sent to the Bench Court at Mangalore and on what grounds;

(b) whether the Bench was asked their objections before any such order was passed; and

(c) whether before such general orders are passed, it is the practice to consult the Bench?

A.—(a) Yes; as the District Magistrate considered it expedient that such cases should be tried by the salaried magistracy.

(b) & (c) No.

Mr. J. A. SALDANHA:—"May I enquire on what grounds the District Magistrate considered it expedient that such cases should be tried by the salaried magistracy?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"It was found that the accused in many cases were supported by their rich masters and miscarriage of justice occurred."

Mr. J. A. SALDANHA:—"Are Government aware that several acquittals took place in cases that were transferred to the salaried magistracy?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"They were sent for trial and not for conviction presumably."

Mr. S. SATYAMURTI:—"With reference to clause (b), may I ask the reasons why the Bench was not asked to state its objections to the transfer orders?"

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The hon. Sir C. P. RAMASWAMI AYYAR :—" It is not a question for the Bench. The question is whether the Bench is discharging its duties properly. It was found on this question that there were difficulties in the way."

Sriman SASIBHUSHAN RATH Mahasayo :—" Was any steps taken to substitute the existing men by better men ? "

The hon. Sir C. P. RAMASWAMI AYYAR .—" Attempts were made."

Mr. J. A. SALDANHA :—" As a matter of courtesy to the Bench consisting of respectable gentlemen of the place, why was it not asked whether it had any objection to the transfer of the case ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" As a matter of fact it has been found convenient not only in Mangalore but in other districts to transfer such cases from the Bench. The question arose, for instance, in South Arcot, where the system was in vogue and it was found that it would not work and all the cases under Motor Vehicles Act are now tried by sub-magistrates. These cases will for some time at all events be tried by stipendiary magistrates."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it not a fact that the offences more serious than those under the Motor Vehicles Act are tried by the Bench Magistrates ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Very likely."

Mr. C. VENKATARAMANA AYYANGAR :—" May I enquire whether there are any special reasons why the offences under that particular Act should be excluded from their jurisdiction ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" There were special reasons."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Is it then possible to say whether these cases are transferred on account of the class of accused who are generally prosecuted in such cases or on account of the seriousness of the cases themselves ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Both, Sir, mainly the former."

The RAJA OF RAMNAD :—" Is it the opinion of the hon. the Law Member that the cases under the Motor Vehicles Act are disposed of more satisfactorily by stipendiary magistrates and not by honorary magistrates ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I can certainly say that of the case under reference."

Mr. S SATYAMURTI :—" May I ask the hon. Law Member if he has come to the conclusion that this Bench is unfit to try cases under the Motor Vehicles Act, how he can contemplate with equanimity the Bench courts trying more serious cases ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" We have not come to any conclusion on the general question. We are referring now only to the Bench Court at Mangalore."

Mr. S. SATYAMURTI :—" May I know why that Bench court is allowed to try more serious cases ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The same reasons do not exist."

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Civil Justice.*Combination of the functions of Government Pleader and Public Prosecutor in one individual.*

* 1161 Q.—Mr J. A. SALDANHA : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the combination of the functions of Government Pleader and Public Prosecutor in a single individual results in some of the districts in the accumulation of arrears, and frequent applications for adjournments ;

(b) whether Government have had before them a proposal or scheme for separating the functions and entrusting them to separate persons ; and

(c) whether Government propose to take any action in case of districts in which there is accumulation of work and arrears on account of the combination of the two functions ?

A.—(a) The Government have had no information to this effect placed before them.

(b) No proposal or scheme has been placed before the Government. A resolution recommending the separation of the offices was tabled in the Legislative Council in 1920 but it was withdrawn by the mover.

(c) The separation will be effected in districts in which in the opinion of the District Magistrate and the District Judge the work is too heavy for one officer or there are other special reasons for splitting up the offices.

Mr. J. A. SALDANHA :—" In some districts whether the courts are worked very heavily on account of the large number of civil cases it should be presumed that the combination of the two functions of Government Pleader and Public Prosecutor is not desirable."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I can understand this. But there are certain districts in which there is a very large number of criminal cases and not a similarly large number of civil cases to be disposed of by Government Pleaders, and, the reverse is the case in certain other districts. If it is found at any time that the combination is such as to tax the energies and the capacity of one officer, experiments in the direction of bifurcation will be tried and in fact have been tried."

Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to clause (c), is it not a fact that there are some districts where separation has been effected ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Yes."

Mr. C. V. VENKATARAMANA AYYANGAR :—" In which districts ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I cannot give the answer off-hand."

Mr. J. A. SALDANHA :—" Although separation might involve extra expenditure, do the Government intend to separate the two functions in almost all districts ? "

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The **RAJA OF RAMNAD** :—"Is it also under contemplation to combine the two functions in one person in places where the work is light?"

The hon. Sir C. P. **RAMASWAMI AYYAR** :—"If it is found light and two people are not necessary, it will be combined."

Mr. J. A. **SALDANHA** :—"Sir, no answer has been given to my question as to whether it involves any extra expenditure if the two functions are separated." 11-45 a.m.

The hon. Sir C. P. **RAMASWAMI AYYAR** :—"There is no particular reason to think that in every district there ought to be separate officers for the two functions. As a matter of fact it will not be worth while for any leading practitioner to accept only either the public prosecutorship or Government pleadership. As a matter of fact it is found increasingly difficult to get leaders of the bar to accept this office because they get more fees when they appear against the Government than when they appear for the Government."

Rao Bahadur T. A. **RAMALINGA CHETTIYAR** :—"What is the amount of fees that a public prosecutor gets for a day if he appears for the Government?"

The hon. Sir C. P. **RAMASWAMI AYYAR** :—"I think it is Rs. 35."

Rao Bahadur T. A. **RAMALINGA CHETTIYAR** :—"What is the fee that a leader of the bar gets per day when he appears against Government?"

The hon. Sir C. P. **RAMASWAMI AYYAR** :—"I need not remind the questioner as he himself ought to know it. However, I may say that it varies from Rs 150 to Rs. 1,000."

Irrigation.

Drainage works in Sengalipuram, Nannilam taluk.

* 1162 Q.—Mr. S. **MUTTAYYA MUDALIYAR** : Will the hon. the Law Member be pleased to state—

(a) whether the Government have received petitions from the mirasidars of Sengalipuram, Nannilam taluk, Tanjore district, about the drainage of their village; and

(b) whether they were deprived of their drainage facilities in 1899 and whether no drainage works have been provided since then in spite of various petitions and orders recognizing the necessity for such work?

A.—(a) Yes.

(b) The Government understand that some works for improving the drainage sluices have recently been sanctioned; when they have been carried out it will be considered whether a separate drainage channel for which the villagers have asked is necessary.

Defective state of irrigation of the lands under the Pallavanar.

* 1163 Q.—Mr. S. **MUTTAYYA MUDALIYAR** : Will the hon. the Law Member be pleased to state—

(a) whether the defective state of the irrigation of the lands under the Pallavanar was recognized by the Government (Public Works Department and the Revenue) even before the last settlement in 1893;

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(b) whether it is a fact that various proposals to remedy the defective state were formulated but given up one by one for some reason or other for the last thirty-five years ;

(c) whether the Government have accepted any or all of these proposals ; and

(d) if so, which and why they have not been carried out ?

A.—The hon Member's attention is invited to the answer given to question No 582 put at the meeting of the House in March 1924. None of the proposals have yet been carried out as the irrigation staff in Tanjore has been fully occupied with works connected with the 1924 floods

Repairs of the Utamaseri bridge.

* 1164 Q.—MR. S. MUTTAYYA MUDALIYAR Will the hon. the Law Member be pleased to state—

(a) whether it is true that the Public Works officers advised the Government that the Utamaseri bridge, a portion of which had been washed away in the 1924 floods, could be repaired and strengthened and that about Rs. 35,000 was spent on it ;

(b) whether it is a fact that after incurring the expenditure the bridge has been condemned as unfit ; and

(c) if so, on whom lies the responsibility for this loss of public money ?

A.—(a) Yes ;

(b) The bridge has not yet been definitely condemned ; the hon. Member's attention is invited to the answer to the question No. 1083 put by Mr. Chidambara Nadar.

(c) It cannot be said yet whether the money spent so far has been wasted.

MR. T. M. NARAYANASWAMI PILLAI :—“ With reference to clause (a), may I know how much sum has been spent upon this bridge ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I think about Rs. 60,000.”

MR. T. M. NARAYANASWAMI PILLAI :—“ With reference to the answer contained in clause (b) that ‘ the bridge has not been definitely condemned ’, may I ask whether the Government contemplate condemning it ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ If my hon. Friend had paid some attention to another answer given on this subject which has already been placed before the House, he would not have raised this question. This is what that answer states :—‘ An estimate for the repair and extension of the bridge was sanctioned in June and some work was done. Last month the Chief Engineer reported that it was in dangerous state and might collapse. Work has had to be stopped, and until the river subsides after the monsoon, it is not possible to decide what to do, whether to abandon the bridge or reconstruct it entirely. The Chief Engineer has been asked to make definite proposals as soon as he can ’.”

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MR. T. M. NARAYANASWAMI PILLAI:—"May I request that before the construction of the bridge is abandoned or it is made to collapse, the opinion of the local people be invited upon this matter?"

THE hon. SIR C. P. RAMASWAMI AYYAR:—"I may assure my hon. Friend that Government will not make it collapse. If it is abandoned just at present, it may be reconstructed."

The Mettur Irrigation project.

* 1165 Q.—MR. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) the villages or parts of villages with the number of temples, churches, and houses in those villages that are likely to be submerged in carrying out the Mettur Irrigation Work in the Coimbatore and Salem districts;

(b) the various classes of village population (Hindus, depressed classes, Christians, etc.) that will have to vacate on that account; and

(c) what schemes are prepared to provide habitation for such people?

A.—A report has been called for from the Special Collector appointed to supervise acquisition proceedings.

MR. J. A. SALDANHA:—"With reference to the answer given to this question, may I ask whether the Government will be pleased to place the report on the table of the House when it is received?"

THE hon. SIR C. P. RAMASWAMI AYYAR:—"I shall consider it."

Loss to ryots owing to delay in repairing the Kilikudu breach.

* 1166 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Public Works Department authorities at Kilikudu breach, by not opening the shutters and by delay in undertaking the work of closing the breach, have brought upon the ryots of the village irreparable losses and have made the Government to spend subsequently a large sum of money;

(b) whether the particular Public Works Department officer who was the cause of the breach was punished in any way and if so how;

(c) whether applications have been made to the Government to pay compensation to the ryots affected by the breach and if so with what result;

(d) whether it is a fact that some of the lands not affected by the inundation were occupied by the Public Works Department staff and workmen without the formal consent of the owners and whether they excavated and removed valuable soil from some of the lands making them unfit for cultivation;

(e) whether it is a fact that the closing of the breach was undertaken only to supply water for the cultivation of crops in Tanjore tracts but not to save the ryots of Kilikudu village and that too after a lapse of a month or so;

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(f) whether it is a fact that the Government authorities did not take prompt steps to make necessary repairs when messages were sent for immediate help by the ryots to

- (1) the Revenue Divisional Officer, Trichinopoly ;
- (2) Superintending Engineer, Trichinopoly ;
- (3) Revenue Board, Madras ; and
- (4) Chief Engineer, Madras, about the widening of the breach and damage to means of communication ; and

(g) whether it is a fact that owing to the delay in making timely repairs not only the first standing crop of the village was completely washed away by the floods but the seedlings in the nursery bed for the second crop had also to perish ?

A.—(a) & (b) The Government do not admit that any particular officer or any particular omission caused the Kilikudu breach. The flood discharge was 33 per cent above all previous records and the Government are satisfied that nothing that could have been done would have prevented or materially affected the breach.

(c) No applications were made for compensation for loss of crop in Kilikudu in particular, but remission of assessment was granted generally in the tracts affected.

(d) It appears that some lands were occupied without the consent of their owners and the case of one mirasidar who has put in several complaints is still under consideration ; some $9\frac{1}{2}$ acres required for the permanent closing of the breach are being acquired.

(e) The primary object was to enable cultivation of 8 or 9 hundred thousand acres in Tanjore. In Kilikudu about 157 acres out of 198 acres of wet land have been covered with sand and the delay in closing the breach caused no loss to the Kilikudu ryots.

(f) No.

(g) No. It is true that the first crop was washed away, the cause being the abnormal flood ; and after the breach irrigation became impossible ; the Executive Engineer has provided for it temporarily by constructing a channel across the new bund at the site of the breach.

SUPPLEMENTARY QUESTIONS TO QUESTION 1150—vide page 378 supra.

Mr. S. SATYAMURTI:—"With reference to the appendix at page 436, may I ask the hon. the Finance Member to be good enough to state how he found money out of this remission which was agreed to be set apart for expenditure under transferred heads for expenditure under the items given in Appendix A ?"

The hon. Mr. T. E. MOIR:—"I owe an apology to the House for not having been able to be present in my seat when this question was put. I was engaged on a very urgent public business. Now, if the hon. Member just repeats his question, I shall see whether I can satisfy him."

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Mr S. SATYAMURTI :—“ May I just remind the hon. the Finance Member that on the floor of the Legislative Assembly when the question of remission came up for discussion in competition with the abolition of Excise duty, arguments were advanced both on behalf of the Government and also on behalf of non-officials that they ought to prefer the former, because Government had agreed that the expenditure of this remitted amount would go to the transferred heads? May I also remind him that a specific resolution was carried in the Assembly, moved by my hon. Friend Mr. T. Rangachariyar that these remissions should go towards expenditure under transferred heads? May I also remind him that when this question was discussed on the floor of this House itself, powerful arguments were advanced from the Treasury Bench not to look to the abolition of the Excise duty, as the remission of provincial contributions would go to cover the expenditure under transferred heads? Under those circumstances, I wish to know how he agreed to this sum being spent under heads which are not transferred? ”

The hon. Mr. T. E. MOIR :—“ As regards the expression of opinion to which utterances were given in the Legislative Assembly I think I may read to the House the exact terms conveyed to the local Governments concerned. The opinion of the Legislative Assembly was that the amount remitted might be devoted mainly for expenditure under the transferred departments. As to how the amount has to be actually expended is entirely a matter for the provincial Councils in each case, and not a matter in which the Legislative Assembly can possibly exercise any jurisdiction over the discretion of this Council. I think, if the hon. Member will look into the statement contained in the appendix, he will find that the amount was mainly expended under transferred heads. There were, as the House will remember, one or two supplementary grants at the end of the last budget session on which the House deferred to express an opinion until the question of the remission of provincial contribution was decided in the Assembly and the money made available. As a result of that decision these supplementary grants were not then pressed and when the amount was made available as a result of remission, definite proposals were placed before the Council in order to give effect to the decision which was arrived at as regards the utilization of the balance of something like 29 lakhs of rupees. These proposals included a sum of Rs. 2,19,000 which were devoted to certain of those supplementary grants which had been withheld when they were placed before the Council, and the Council accepted those proposals. They accepted a further demand made here in respect of certain items under transferred departments which items are found in the accompanying appendix to the answer to this question. I do not think that there was any irregularity either in the action of the Government in placing these demands before the Council or on the part of the Council in accepting them.”

Mr. S. SATYAMURTI :—“ I accept the correction that the word ‘ mainly ’ was overlooked by me. May I bring to the notice of the hon. the Finance Member that out of the 126 lakhs of rupees and odd which was remitted to us more than 96 lakhs of rupees went to meet the deficit? May I ask him therefore whether he still considers that after setting apart 96 lakhs of rupees for meeting the deficit, he was justified in spending even out of the balance of 27 lakhs of rupees a sum of over two lakhs on the heads shown in the

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appendix? May I ask him to say at the same time how much of these 96 lakhs of rupees cover expenditure under reserved and how much transferred?"

The hon. Mr. T. E. MOIR:—"Sir, I think the hon. Member has mis-conceived the situation when he asked whether I was justified in spending certain sums under certain subjects. I have not spent any sum. All the expenditure has been authorized by the Council and it is not open to me to question their discretion."

Mr. S. SATYAMURTI:—"I am afraid the hon. the Finance Member has not correctly understood me, but I do not want to pursue the matter further. But may I ask whether the construction of quarters for the new Military Secretary to His Excellency the Governor was considered such an important thing as to spend Rs. 40,000 for that building from out of the remission?"

The hon. the PRESIDENT:—"That question was discussed by the Council and the Council agreed to pass that expenditure."

Mr. S. SATYAMURTI:—"When the demands for supplementary grants were voted upon by us, I think the Council was not asked to say how that money ought to be found. I cannot therefore understand how the hon. the Finance Member was justified in spending this amount from out of the remission."

The hon. Mr. T. E. MOIR:—"As to the criticism levelled against me or against the Legislative Council I disclaim any responsibility. I think what the hon. Member suggests is, that the Council was unaware that this sum for the construction of quarters for the new Military Secretary would be spent from the remission of 126 lakhs. I may say the Council was perfectly aware in respect of all these grants, that it was only as a result of the remission of the contribution that it was possible for the Government to place them before the Council and I may say—I speak subject to correction—that no member was under any misconception on that point."

The RAJA OF RAMNAD:—"May I ask, Sir, whether it will be possible for the hon. the Finance Member to tell us what part of this deficit relates to transferred departments and what part to reserved?"

The hon. Mr. T. E. MOIR:—"I think it would be possible to prepare such a statement showing how much of the amount relates to transferred and how much to the reserved departments. But the preparation of such a statement would involve the question of not merely the actual expenditure but also the question of actual revenue, and, I think, it would be rather difficult to make such a statement."

12 noon. Mr. S. SATYAMURTI:—"May I ask one question of the hon. Ministers with reference to Appendix B?"

The hon. the PRESIDENT:—"I think, we agreed to have supplemental questions put to the hon. the Finance Member. The hon. Member has lost the right of putting questions to the hon. Minister."

Rao Bahadur T. A. RAMALINGA CHETTIYAR:—"May I, Sir, following the Raja of Ramnad, ask the hon. the Finance Member to prepare a statement showing the amount under the reserved and transferred heads that went to make up the deficit?"

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The hon. Mr. T. E. MOIR :—“ I should prefer the Finance Department to be relieved of the trouble of preparing a statement like this. I do not think the hon. Member the Raja of Ramnad insists on having a statement like that. I hope the hon. Member will not press his claim.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“ Unless such a statement is prepared there will be ground for believing that the major portion of the money was spent in the reserved departments in anticipation of the remission and very little money was left to the transferred departments.”

UNSTARRED QUESTIONS.

Revenue Establishments.

*Appointments of depressed class members in the Revenue Department,
Guntur district.*

1167 Q.—MR. G. PREMAIYA : Will the hon. the Member for Revenue be pleased to state how many depressed class people have been entertained in every grade of appointments in the Revenue Department in Guntur district ever since Guntur has been formed into a district?

A.—The Government have not the information asked for. It would be necessary to go through the records of 21 years to compile it.

Marine.

Transport and other facilities in the Madras Harbour.

1168 Q.—MR. SAMI VENKATACHALAM CHETTIYAR. Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that south quay alone is allowed to be used by boats for embarking and disembarking passengers ;

(b) whether it is a fact that the distance between this landing place and the place of conveyances except taxis is a mile and a half nearly ;

(c) whether there are not other quays nearer the place of conveyances which can be allowed for mooring the boats and picking up and landing passengers from and to Madras ;

(d) whether west quay is one such ; and if so, why it should not have been allowed to be used by the passenger boats ;

(e) whether passengers from Rangoon and Malaya States are detained in the disinfection shed for long hours ;

(f) whether it is a fact that passengers are not permitted to come ashore till the following morning if the boats arrive after five in the evening ; and

(g) whether arrangements cannot be made for affording passengers better facilities of transport and conveniences for embarking and disembarking ?

A.—(a), (c) & (d) The south quay is better equipped for emigrant and immigrant traffic and is used when possible for such traffic. The buildings for the reception of passengers there have an area of 16,000 square feet. The west quay is used for cargo.

(b) & (e) No.

(f) No, except occasionally in bad weather in the interests of the passengers themselves.

(g) Adequate facilities are provided already.

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[Note—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II

DELAY IN ANSWERING QUESTIONS BY THE GOVERNMENT.

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ Sir, with reference to question No. 1142 it is seen that the question was sent to the Department on 10th August 1925 while the answer was received in your office only on 5th December 1925 after a delay of nearly four months. It is a very simple question, Sir, relating to a commercial concern whose accounts must be ready by the end of July every year. May I ask the hon. Minister to tell us why there was such an inordinate delay in answering such a simple question? May I know whether any intimation was received by your office giving reasons for the delay caused?”

* The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ I have not got the materials here and I shall answer this later on.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether your office has received any information regarding this delay?”

* The hon. the PRESIDENT :—“ The general custom is for the office to grant extension of time when the departments of Government ask for it. In this case also it may be presumed that the department of Government asked for an extension of time which was granted.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ We have had such a long delay in this case and we want to see the reason for such a long delay and whether the Department concerned applied to you for any extension of time to answer the question.”

* The hon. the PRESIDENT :—“ They are much cleverer than that. They ask for a little extension of time and then they go on.”

* The RAJA OF RAMNAD :—“ I too have got a similar complaint to make. I put a question which did not involve any enquiry, and that has not been answered for the last two months, and we had two sittings. Some questions are asked by us with a view to take further steps on the basis of those answers. If the questions are not answered in time the very object of putting questions is frustrated. For instance, I asked some questions about the Hindu Religious Endowments Board and they have not been answered. Fortunately the motion for leave to introduce an Amending Bill on the subject was adjourned. If not, I would have been handicapped for not having the answers to my questions. I appeal to you to see that these questions are answered as quickly as possible.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ Sir, may I add a few words? The period of notice necessary for question is six or seven days. Now, what is the use of such a notice when such a long time as one month or two months is taken by the Government to answer the questions? I am not speaking either with reference to the hon. Ministers or the hon. the Executive Council Members. I agree with the hon. Member the Raja of Ramnad that very often we ask questions so that we might take further steps and that object is frustrated by this delay. I myself sent some questions two or three months ago—I do not remember the exact time—and yet they remain unanswered. So, no useful purpose will be served by asking these questions unless they are answered within a reasonable time. We can understand if

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there has been some delay. Six days, for instance, may be insufficient for the hon. Members to answer questions; but I request you to kindly take this suggestion and issue the necessary instruction to the Members of Government."

* Mr. S. SATYAMURTI:—"Sir, on this matter may I make one appeal? The Standing Order vests in you and in nobody else the right to extend the time for answering questions. But from what fell from your lips, I understand that the office went on extending the time asked for by the Government. May I respectfully suggest that if any application for extension of time by the Government comes to your office, either yourself or the Deputy President will look into it and satisfy yourselves that there is a *prima facie* case for such an extension before granting it? If you refuse extension of time once or twice, Government will buck up and answer more quickly."

* The hon. the PRESIDENT:—"The only consideration that prevails upon me to give extension of time to Members of Government when they ask for it is that it is the only way of getting the questions answered. If I refused to give that time, I suppose no one would be happier than the Members of Government. I do not see how we can compel Members of Government to answer questions within the prescribed time. I am sure that from the utterances that have been made this morning Members of Government will realize that there has been some delay in the answering of questions. (Mr. Satyamurti: Hear, hear) I am sure they would take that feeling into consideration and be a little more quick in the answering of questions."

III

QUESTION REGARDING THE NOMINATION OF RAO BAHADUR O. TANIKACHALAM CHETTIYAR TO THE MADRAS CORPORATION.

Mr. T. M. NARAYANASWAMI PILLAI:—"Sir, I have got a question to ask of the hon. the Minister for Local Self-Government with reference to the nomination of Mr. O. Tanikachalam Chettiyar to the Madras Corporation which act was characterised by the hon. member for the University as a fraud on the power for which the power of nomination was vested in the Government. May I ask the hon. Minister the reasons for such a nomination?"

* The hon. the PRESIDENT:—"Has the hon. Minister had notice of this?"

Mr. T. M. NARAYANASWAMI PILLAI:—"Yes, Sir."

* Mr. S. SATYAMURTI:—"Sir, the Standing Order requires that you should also agree to this question being put. May I know whether you also have agreed to this?"

* The hon. the PRESIDENT:—"Yes. I think hon. Members will realize that the notice referred to in the Standing Order is intended to enable the hon. Members of the Government to answer the questions. If they are prepared to waive the notice, I do not see any reason why I should prevent the question from being answered."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Such questions are intimated to other Members also. Is not the purpose of doing that to enable other Members who take an interest in such questions to be present in the House when such questions are answered? Notice of this question must have been

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given yesterday or day before yesterday and the office is perhaps aware of the question and copies might have been circulated to the other hon. Members also."

* The hon. the PRESIDENT :—" If it had been possible to print the question, I would certainly have ordered the office to print it and circulate it. But the notice was given rather late and it could not have been printed."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" We generally get these urgent matters such as amendments typed in the office instead of being printed."

* The hon. the PRESIDENT :—" That suggestion will be borne in mind."

* Mr. S. SATYAMURTI :—" The Council is going to meet to-morrow, morning also. Will it be possible for you to postpone this till to-morrow, so that in the meanwhile copies may be printed and circulated to us and we may come prepared to put supplemental questions if necessary?"

* The hon. the PRESIDENT :—" Does the hon. Member Mr. Narayanaswami Pillai agree to this course?"

Mr. T. M. NARAYANASWAMI PILLAI :—" I have no objection."

IV

POINT OF ORDER WHETHER A MEMBER WHO MOVED AN AMENDMENT
HAS GOT A RIGHT OF REPLY OR NOT.

* Mr. J. A. SALDANHA :—" Sir, yesterday in the course of the discussion of the Borstal Bill you refused to allow an hon. Member who moved an amendment to have a right of reply. May I with all respect to the Chair ask you to reconsider this question? If you like I shall put my points on paper and I only ask your permission for that."

* The hon. the PRESIDENT :—" The hon. Member may please raise this question of order when the next occasion arises."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" As the Member with regard to whom this ruling was made yesterday I thought I might put it in writing and give you time to consider the matter."

* The hon. the PRESIDENT :—" I shall be glad."

V

COMMUNICATIONS TO THE COUNCIL.

(1)

The Assistant Secretary laid on the table copies of a G.O. No. 1655 Development, dated 1st November 1925, passing orders on the audit report and accounts of the Russellkonda Saw Mill for the quarter ending 30th June 1925.

(2)

The Assistant Secretary laid on the table copies of a ^bnote relating to the appointment of a Professor of Chemistry and an Assistant Professor of Physiology to the Medical College, Vizagapatam.

^aPrinted as Appendix II on pages 440-446 infra.

^bPrinted as Appendix III on pages 447-48 infra.

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(3)

The Assistant Secretary laid on the table copies of a G.O. No. 483, Law (Legislative), dated 2nd December 1925, relating to grant of daily allowance to the Members of the Legislative Council residing in the Madras City.

VI

THE MADRAS BORSTAL SCHOOLS BILL.

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Sir, before proceeding with clause 5, I understand that the Advocate-General desires to move some consequential amendments to clause 4 (1) and it would be better to dispose of them first."

* Rao Bahadur C. V. S. NARASIMHA RAJU (and some other hon. Members):—"Are copies circulated? It is better to circulate copies and have this at the end of the Bill."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"I am prepared to follow any course whether it is proposed to have it at the end or even now."

* Mr. S. SATYAMURTI:—"Sir, if it is not inconvenient to the Advocate-General or the hon. the Home Member, may I suggest that we may have these amendments after lunch and in the meanwhile copies might be circulated to us? I think we may have a convenient interruption."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"Yes, Sir."

Clause 5.

In the absence of Mr. G. Rameswara Rao, Mr. T. M. NARAYANASWAMI PILLAI with the leave of the House moved:—"Sir, I beg to move that the following be substituted for clause 5:—

'The Local Government shall frame rules not inconsistent with this Act for the management of Borstal school and for the control, training and discipline of the adolescent offenders detained in them.'

"Yesterday when my hon. Friend Mr. Venkataramana Ayyangar moved for the omission of clause 5, it was pointed out by the Advocate-General that there were some clauses in the Prisons Act and the Prisoners Act which ought to be incorporated in this Act and, if this clause were omitted, it would land us in difficulties. Now, if my suggestion is accepted, there would not be those difficulties. The Local Government is given the power to frame rules without at the same time being put to the necessity of applying all the provisions of those two Acts to the Borstal institutions. The principles of these two Acts are different from the principles of this Act. The rules that would apply to the prisoners under those two Acts should not *ipso facto* be made to apply to the persons detained in a Borstal institution under this Act. There is necessity to frame different sets of rules. The heads under which Government are given the power to frame rules under section 4 (2) do not exhaust all the necessary items under which they will have to frame rules. We do not want to allow the Government to incorporate the rules from the Prisons Act and the Prisoners Act so far as the other heads are

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concerned. There must be some provision enabling the Government to make such rules which are different from the rules contained in those two Acts and which are applicable to the persons detained in a Borstal institution. With this idea in mind, I move for the substitution of this clause for clause 5."

12-15
p.m.

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I second it."

* The hon Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I should like to point out that this amendment is not necessary for we have already provided in section 4 (2) power to the Government to make rules for the control and management of the Borstal schools."

* Mr. T. R. VENKATARAMA SASTRIYAR:—"May I add a word, Sir? Perhaps it is unnecessary to bring it under any particular sub-clause of clause 4. For clause 4 (1) gives power to make rules in general and clause 4 (2) says that in particular and without prejudice to the Generality of the foregoing provisions rules might be made with regard to the things mentioned. So that if any particular matter is not falling under sub-clause (2) that will not detract in any way from the general power which the Government possess under clause 4 (1) to frame the necessary rules."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"May I then know, Sir, if you will permit me, with reference to the argument of the Advocate General that if clause 5 was taken away, some rules will have to be incorporated from the Prisons Act regarding the presence when required of these boys and girls before a court of law, how such a thing would be necessary?"

* Mr. T. R. VENKATARAMA SASTRIYAR:—"These provisions are in the sections of the Prisons and the Prisoners Acts and they cannot come unless they are made applicable, which you can do only by incorporating these provisions or by reference to them state that they will apply."

* Mr. T. M. NARAYANASWAMI PILLAI:—"May I know whether rules cannot be made incorporating those provisions?"

* Mr. T. R. VENKATARAMA SASTRIYAR:—"I do not think the rules can bring in the sections of the Prisons and the Prisoners Acts. You can repeat the rules framed therein so far as they can be provided under the provisions of this Act. Instead of embodying each of these rules under the rules in this Act, what is provided in section 5 is that these rules shall apply except in so far as alterations are considered needful, under the rules framed under this Act we exclude the operation of particular rules. That is the effect of section 5 as it stands."

The amendment was by leave withdrawn.

Clause 5 was put, passed and added to the Bill

Clause 6.

* Mr. A. RANGANATHA MUDALIYAR:—"I move that the following be added as item (g):—

'(g) A Court of the first class bench or second class bench.'

"The clause as at present drafted does not invest the bench courts with power to deal with cases under this Act and I fail to see any reason why these courts should be deprived of such a power. Taking into view the

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composition of these bench courts, I think they are in a better position than the stipendiary magistrates to deal with the class of offenders contemplated by this Act. They would know the character of these people, their antecedents and their status and they would be in a better position, I think, to deal with them. I take it to be the policy of the Government to empower the bench courts to try as many juvenile offenders as possible and I think, it would be in consonance with such a policy that the Government should accept this amendment."

* Mr. J. A. SALDANHA :—"I second it. I am at a loss to see why the Government is fighting shy of the bench magistrates. As pointed out by the hon. Mover, the bench courts consist of more than five magistrates who will be in a better position to judge of the antecedents, character and the tendencies of the youthful offender than a single magistrate though stipendiary. A stipendiary magistrate will have to be advised by experts, by the police authorities or by the Inspector-General of Prisons. A body of five gentlemen or ladies sitting together in a bench court will be surely in a better position to decide whether the particular offender should be brought within the operation of the Act."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, under clause 6, powers are conferred on magistrates of the first class. With regard to the question of empowering second-class magistrates, it was considered and dropped in the Select Committee. I have no objection to accept the first portion of the amendment."

* Mr. A. RANGANATHA MUDALIYAR :—"I do not mind leaving out the second portion of it."

* Mr. J. A. SALDANHA :—"Nor do I press it, Sir."

* Mr. T. R. VENKATARAMA SASRIYAR :—"Sir, some alteration of the language is necessary. As the substance has been agreed to, may I suggest that this may be added to in item (f). The words 'first-class bench court' are not the words used in the Criminal Procedure Code. I therefore propose that after the words 'any magistrate of the first class', the words 'or any bench of magistrates constituted under section 15 of the Code of Criminal Procedure, 1898 and invested with the powers of a magistrate of the first class' be added and the last words of the section be read at the end. The words 'specially empowered' would then apply to both these classes."

The amendment as further amended by the Advocate-General was put and carried.

Clause 6 as amended was then put, passed and added to the Bill.

Clause 7.

* Rao Sahib R. SRINIVASAN :—"I move that the following be added as a new sub-clause after sub-clause (2) :—

(3) *The trial of any such adolescent offender may, in every case, be held in camera or in some other place than ordinary court room, provided that in such case the parent or guardian or other person interested in such adolescent offender shall have the right to be present thereat.*

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"Sir, the object of this Bill is to treat the offender as if he were under the headmaster or the principal of a particular school and not as an ordinary criminal. So to take him to a court and expose him to the public is almost a punishment on the boy. Besides by such trials in open court, the boy is likely to cast off his shyness or timidity and gets a bit hardened. So, if the school is to be successfully conducted, a young man should not be given a chance of knowing something about jails and about the courts of law. There must be separate court for trying him and when he is tried in camera, I have provided that his parent or the guardian may be present. I think the provision will be in the best interests of the adolescent offenders and I hope the House will pass it."

* Mr. J. D. SAMUEL :—" I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" With regard to children, we have already provided the juvenile courts. But we ought to remember that the offenders dealt with in this Bill are all grown up men. So I do not see any reason why this special procedure should be adopted. Moreover, there is another difficulty in the way of accepting the amendment, namely, sanction should be obtained from the Government of India for incorporating this in this piece of legislation."

* Rao Sahib R SRINIVASAN :—" When you call this as a school, the offenders must be treated as children, and considerations of age do not matter. We must try to treat them as children at school and keep from their minds all ideas about crime, jails and trials. That is my object and I cannot help pressing my amendment."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I am sorry I am unable to accept the amendment for which the sanction of the Government of India has to be obtained."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, it seems to me that there will be difficulty in carrying out the suggestion contained in this amendment. Generally courts are open to the public and it is only in special cases that trials are held in camera. After all who are these persons—offenders between 16 and 21, and brought before the court for what? For offences which involve sentences of imprisonment and failure to furnish security under the Criminal Procedure Code. It is not likely that there will be anything in such cases revolting to the public feeling or even to the persons who are really concerned in such offences. And I believe it is in the interests of the public as well as these young men that the trial should be held in public. I am not convinced with the reasons urged by the hon. Mover."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—" May I add a word, Sir? Section 7 deals with the stage antecedent to that at which we get into the provisions of this Act. It is only after they are convicted at the open trial under section 7 under the ordinary procedure in the Criminal Procedure Code, that, being adolescent offenders, they are treated in accordance with the subsequent provisions of this Act. So it is not a trial under this Act, but a trial under the ordinary procedure. If that trial results in conviction, the magistrate may follow the procedure prescribed in this Act. I do not know if the hon. Mover really desires that the trial conducted in the ordinary manner in the criminal court should be conducted in camera. As my hon. Friend, Mr. Krishnan Nayar, has pointed out, the ordinary criminal trials should be conducted in the open court and it is

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considered one of the safeguards which citizens ought to insist on. I take it that it is not the object of the hon. Mover of this amendment to have trials in camera in all cases."

* Mr. R. SRINIVASAN :—"I reiterate what I already said, Sir. It would be almost a punishment on a young man to be exposed to such surroundings. I do not think any injustice will be done to him if he is tried in camera, and I do not think there is any reason for the public to watch or interfere in the trial. A trial in camera is as good as a trial in the open court, as the men who are interested in the accused will be allowed in camera. So, my amendment is reasonable and secures the objects of the Bill." 12-30 p.m.

The amendment was put and lost.

Clause 7 was then put, passed and added to the Bill.

Clause 8.

* Mr. P. ANJANEYULU :—"Sir, in the absence of Mr. Rameswara Rao, I want to move, with the permission of the House, the amendment that stands in his name. (The permission was granted.) I beg to move.

'That in clause 8, in line 2, after the words "adolescent offender should," the words "by reason of his criminal habits or tendencies or association with persons of bad character" should be omitted.'

"I formally move it and propose that it be taken into consideration."

Sriman Sasibhushan Rath Mahasayo seconded the motion.

The hon. Khan Bahadur MUHAMMAD UEMAN SAHIB Bahadur :—"Sir, it is very essential that these words should be retained in the Bill. It is only in cases of habitual criminal tendencies that people should be sent to Borstal schools. Otherwise a boy who is sentenced, say, to six months' imprisonment would be detained in a Borstal school for three years which is not desirable"

* Mr. R. SRINIVASA AYYANGAR :—"Sir, there is no reason to widen or enlarge the scope of Clause 8 which in its operation is intended to deal with persons whose criminal habits or tendencies or association with persons of bad character make it imperative upon the Government to confer the benefits of this clause upon them. The effect of this amendment will be to bring in unintentionally a large number of persons who obviously have no place there and could not reasonably be expected to be sent there. For this reason, I fear, I have to oppose this amendment."

* Diwan Bahadur M. KRISHNAN NAYAR :—"It seems to me, Sir, that it is necessary that these words should be there and that for this reason. Let me take an illustration. Now, an adolescent offender is a person who has been convicted of any offence punishable with imprisonment and who is between 16 and 21 years of age. It is such a person that is to be brought under the provisions of this Act. Suppose a young man of 17 or 18 years of age steals a few plantains when he is hungry. Now, that would be theft and it is an offence punishable with imprisonment. Otherwise the young man may be of good character. Suppose that that young man is brought before the magistrate, and if these words are left out according to the amendment, that is, though he has no previous bad antecedents and though he is not of bad character and though his associates are not men

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of criminal habits, yet, there is the danger of the magistrate sending this young man to a Borstal school for detention under this Act, for a period of three or four years. Clause 8 says: 'Where it appears to a court having jurisdiction under this Act that an adolescent offender should, *by reason of his criminal habits or tendencies or association with persons of bad character*, be subject to detention, etc.' In the illustration I have given, the young man is not subject to any of these disqualifications. And so, if these words are removed, he is liable to be detained for three years for stealing a few plantains, or even for four or five years. That should not be done. It should be left to the magistrate to send these men for detention only when they have such bad habits as are mentioned in the clause."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, may I make a suggestion? The next amendment, which stands in my name and in the names of some of my friends is in regard to this very clause, and I think it is better that the present proposal to omit certain words and my proposal to substitute other words may be both discussed and disposed of together, because the arguments are practically the same. I suggest this because afterwards it may be said that I must have moved my amendment when this present motion was being discussed. Inasmuch as the arguments are the same, and as you have the power to permit both the motions to be discussed and to put them to the vote, I request I may be permitted to move my amendment. So that, if my amendment is carried, there will be no necessity for this amendment. So, I submit that, with your permission and the permission of my hon. Friends, my amendment may be discussed as an amendment to this amendment, or as a separate amendment."

* The hon. the PRESIDENT:—"The hon. Member may move his amendment now."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, my amendment runs thus:

'For the words "by reason of his criminal habits or tendencies or association with persons of bad character", substitute the words "for any reason that may appear to the court to be satisfactory".'

"In my minute of dissent I have given some reasons why this amendment is necessary. I want to give here one more reason and that is this. Most of the provisions of this Bill are based on the provisions of the Children Act and the Reformatory Schools Act. The very words I want to substitute are taken by me from the Reformatory Schools Act."

Mr. P. ANJANEYULU:—"On a point of order, Sir, with due respect to my hon. Friend Mr. C. V. Venkataramana Ayyangar, I do not know whether when an amendment is proposed and seconded, it can be followed up by another amendment. But I may say I am quite willing to withdraw my amendment, because it makes very little difference whether his amendment is discussed or mine."

* The hon. the PRESIDENT:—"As the arguments in regard to both these amendments would be more or less the same, it will conduce to convenience in discussion to allow Mr. Venkataramana Ayyangar to move his amendment."

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* Mr P. ANJANEYULU :—" What I beg to submit for your consideration is that it would be better if the previous amendment is withdrawn, as Mr. O. V. Venkataramana Ayyangar's amendment serves the same purpose. So, I formally beg leave to withdraw my amendment, Sir."

The amendment of Mr. Anjaneyulu was by leave withdrawn.

*Mr. C. V. VENKATARAMANA AYYANGAR :—" So, I beg to move the amendment which stands in my name and which I have read out. I was saying that the very words I want to be substituted for the words in the Bill have been taken from the Reformatory Schools Act, and that Act we know applies to boys between the age of 15 and 18, whereas this Bill extends the age by making it applicable to boys between the ages of 16 and 21. So that there are at least two years or even three years which are covered by both the Acts. As regards the Children Act also these words are not there. One chief objection that has been raised against my amendment is this. It was said by Mr. Krishnan Nayar that the other boys who commit petty offences should not be committed to the Borstal school. This Bill is only an enabling measure. It does not say that every person having the sentence mentioned should be sent to the Borstal school. If a boy is between the ages of 16 and 21 and if for any reason the magistrate decides that he should be sent to the Borstal school, he would be sent. Certainly, a man who steals some plantains in Mr. Krishnan Nayar's garden would not be sent to the Borstal school for a very long time. There is another fact. Supposing there is an offence for which a young man is convicted and sentenced to one or two years' imprisonment, he can be sent to the Borstal school for that period; it is for that a limit is fixed in the period of detention under the Bill. This detention is confined only to cases of imprisonment. I would appeal to hon. Members to consider whether it is desirable to send a boy between 15 and 17 who is sentenced to imprisonment to the ordinary jail. The alternative to my amendment if it is not accepted will be to send these boys to the ordinary jails, to mix with all sorts of prisoners and undergo the rigours of jail life, and then the object of this Bill would be defeated. The object of the Bill is to see that boys of tender age should not be sent to jail. There is one other important thing to be considered. Because these poor boys have been convicted, is it therefore necessary to go into all their antecedents? A mischievous boy might have committed some indiscreet act at some time and people might have forgotten it, and sometime afterwards, the boy's enemies or the Police or the Inspector-General of Prisons might adduce evidence raking up the whole history of this poor boy or poor girl. Especially about girls, are we to permit inquiries into their antecedents, inquiries as to whether they had criminal habits or associated with persons of bad character and so on? Is it reasonable, I ask the House, to allow the antecedents of a girl of 13, 14 or 15 or 16 years to be brought into the scope of this expression 'bad character'? But 'bad character' is not defined, and in such a case is it reasonable, I ask? After all, I appeal to the House and the hon. the Home Member to see if there is any difficulty at all in accepting my amendment. I give full powers to the court to go into this question and then send the boy to the school. Therefore I say that it is absolutely unnecessary to insist on previous bad character, etc. It may be in a factious village, the enemies of a respectable man may bring all sorts of things against the unfortunate man's son because he seems to have committed some offence; in such a case, all unnecessary facts whether they may be true or not will be relevant, and the boy may be sentenced.

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Are all these facts about his past to be raked up? Again, all possible allegations may be made against a boy or girl in support of these 'criminal tendencies.' We do not know how to analyse or define these 'tendencies.' I certainly say it will be too much, and the whole object of the Bill will be completely frustrated. I may say I am entirely in sympathy with the objects of this Bill. I think it is based on very good intentions, but let us see that these intentions are not marred by these provisions. So, in my amendment I have left the power to send a boy to a Borstal school to the magistrate. The son of a respectable man may have committed theft, or the offence may be grievous hurt or assault, under section 326 which may be compulsorily punishable with imprisonment. Is that boy to be necessarily sent to jail for two or three years where he necessarily will have to come into contact with persons of bad character, notorious and dangerous criminals, to mix with all these criminals? Such boys should be sent to the Borstal school."

* Lieut.-Col. J. P. CAMERON :—"Sir, I think that the particular class of boy the hon. Member from Coimbatore has referred to is not the class of boy that would actually be sent to a Borstal school. Such a boy, if convicted, and if his crime is not a very serious one, in all probability would be punished by the magistrate as he thinks fit, but he would not be actually sent to the Borstal school. The whole object of the Borstal system is to deal with boys of criminal tendencies. We want to get hold of such boys, train them, educate them, give them industrial training and make them useful and good citizens. That is the object of the Bill; it is not intended for the class of boys whom the hon. Member from Coimbatore is referring to. As regards reformatory schools, the boy sent to such schools is not of the same class as the Borstal boy, who is an adolescent offender. I do not think my hon. Friend quite understands the reason why the Borstal system has been devised."

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* MR. C. V. VENKATARAMANA AYYANGAR :—"Under the present Bill the boys now mentioned cannot be sent to the Borstal school. Supposing the son of a responsible man commits an offence of driving the motor-car on some one and killing him, he may be sentenced. But he cannot be sent to the Borstal school. I want to send him to the Borstal school instead of sending him to prison to be associated with persons of bad character. Under the Reformatory Schools Act there is a provision that boys from 15 to 18 may be let off. There is a similar section, viz., section 562 which is not wide enough. Under the Reformatory Schools Act there is a provision under which boys may be handed over to their guardians even when they have committed serious offences. Unfortunately there is no such thing at all here. Therefore to subject these boys to an inquiry as to their past character and secondly to confine such boys and girls of tender age along with people who have already been sentenced as regular prisoners, all these things, Sir, I submit, may be taken away. There is nothing to prevent Government from issuing instructions to their subordinates as to what class of persons should be sent to such institutions. They must not insist on every magistrate going into this question under the proviso. Everything in all its details has to be put and gone into before the magistrate can come to any conclusion. In the meantime let us not put the boy to that mental torture and let us not also put the parents of the boy to that mental torture. If the amendment is carried it would be absolutely harmless.

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The Children's Act and the Reformatory Act of the Government of India do not mention it. The Children's Act does not give anything. The Reformatory Act gives the very words which I want to be substituted here. If that can be applied in respect of boys from 15 to 18, there is no reason why it should not be applied to boys from 15 to 21."

* Mr. A. RANGANATHA MUDALIYAR :—"I second the amendment, Sir."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I beg to oppose this amendment. If this amendment is passed, it will give a wide latitude to the magistrate to send anybody and everybody to the Borstal school. I do not see why an inquiry should not be made about the character of adolescent offenders. My hon. Friend seems to have a good deal of sympathy towards these people. What is the kind of people that is contemplated under this section? People who commit murder, dacoity and other serious offences. I do not know why the magistrate should not know the previous history of these people. The habitual criminal tendency is one of the tests which should guide the magistrate in sending one to the Borstal school."

* Mr. J. A. SALDANHA :—"Though I have given notice of this amendment after careful consideration I am inclined not to support it but to oppose it. After reading the literature on the subject it seems to me that the very object of the Act would be frustrated by this clause. This Bill is intended for a particular class of people and if from an inquiry of their past tendencies and life it is seen that they belong to this class they should be sent to the Borstal institution."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"May I rise to a point of order, Sir? I thought Mr. Saldanha had given notice of this very amendment. I do not know whether he can oppose the amendment of which he has given notice."

* The hon. the PRESIDENT :—"We must welcome every act of conversion in this House."

* Diwan Bahadur M. KRISHNAN NAYAR :—"The effect of accepting Mr. Venkataramana Ayyangar's amendment will be to give a very wide discretion and considerable power to the magistrate to send these young men to jail. As the section now stands this power is very much restricted. It is only those young men who by reason of their criminal habits or tendencies, or association with persons of bad character that can be detained under this provision. Therefore the magistrate's powers of sending these men now as the section stands are very much restricted. But what my friend wants to do is to take away this restricted power. By putting in the words 'for any reason that may appear to the court to be satisfactory' he will be giving ample powers to the magistrates. It is quite vague. My friend wants to protect young men. The amendment would just do the reverse of what he wants. Then what is the period for which this man would be detained? The minimum period under the section is two years and the maximum is five years. Why should a young man who may be let off with imprisonment till the rising of the court be liable to be detained for a maximum period of five years or a minimum period of two years? So that the result of carrying out my friend's amendment is to frustrate the intentions of the Bill."

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Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—“May I just offer one word of explanation, Sir? There are two classes of adolescents to be dealt with; first of all those who are classed as petty or occasional delinquents. They are ordinarily dealt with under section 562, Criminal Procedure Code. When they are sentenced to terms of imprisonment the rules require that they should be kept up in separate annexes of jails and should be given modified borstal treatment. The impression that they are allowed to mix up with the habituals is not quite correct. The second class of delinquents are fairly advanced criminals perhaps with previous convictions. It is these people that are fit subjects for the borstal training. It is they that ought to be sent to the Borstal training school. I think it is most undesirable that the first class of delinquents should be mixed in the Borstal school with the second class. As I said at the beginning of my speech the impression that the first class of people are allowed to mix . . .”

*** Mr. C. V. VENKATARAMANA AYYANGAR :—**“I have seen these jails. I have experience, though not personal, of the work of these jails. By mixture I mean being placed in the same building, seeing each other's work though not actually working in a particular place. They are in the same compound, and see each other. Only they are not allowed to sleep in the same cells.”

Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—“Unfortunately in the jails that Mr. Venkataramana Ayyangar has visited the rules do not seem to be properly observed. The intention of these rules is that these boys are to be separately kept up. Colonel Cameron assures us that they are being kept separate. It is most undesirable that adolescents who are guilty of petty offences should be sentenced to a period of two years and allowed to mix in the Borstal school with regular prisoners who are fairly advanced in crime. I think for these reasons this amendment should not be accepted.”

Mr. T. M. NARAYANASWAMI PILLAI :—“The previous speaker just referred to the practice by which a criminal who occasionally lapses into crime should not be sent to the Borstal school but may safely be sent to the prison to be locked up in separate annexes distinctly away from the habitual convicts. If the same annexe is in the Borstal school, separating the stray delinquent from the habitual delinquent I think it would be much better than a prison house. We are now having an Act to reclaim people who commit crimes and to make them members of society. Now we concede in this measure that prison is not a safe place to persons who habitually commit offence. That you must place him in a different environment to undo the tendency is an essential and salutary provision granted under this Act. Therefore I submit it is not wise and it is not proper to restrict the discretion of the magistrate. If that magistrate thinks for any reason that really a training in a Borstal school is necessary for the reformation of character whether it is a habitual or stray delinquent it is better to send him to the Borstal school rather than to the prison. There may be two separate divisions, one quarter where people are trained in the case of stray offences and another quarter where the habitual criminals might be kept. The same punishment which is said to hold good in prison might be adopted here also. It was pointed out that it was unreasonable to send people for two years where otherwise they may be imprisoned for a period of some months. I submit that there are several provisions under which they may be let off and it is not necessary to keep them for the whole period.

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of two years. For these reasons it is absolutely necessary that the discretion of the magistrate should not at all be restricted. It will lead to an anomaly and injustice. The habitual prisoner is taught and trained and opportunities are given to him not to be a hardened criminal."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I am afraid my Friend, the Mover, has been verbally very tender to the people who are to be dealt with under this section."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not claim to be perfect in my wording. I leave the wording to be adjusted."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" My criticism is not that, Sir. I do not think my hon. Friend proposes to move any amendment to the words that follow. The words that follow are: 'Under such instruction and discipline as appears most conducive to his reformation and the repression of crime.' It is the case of a person who requires reformation, that is, a person of criminal habit that comes under the section and repression of those habits is the object of putting him in these borstal institutions. These are embodied in the language of the section.

"The first part of it, which says 'by reason of his criminal habits or tendencies, or association with persons of bad character' is necessary to explain what follows, viz., 'be subject to detention for such term and under such instruction and discipline as appears most conducive to this reformation and the repression of crime.' Only when an offender is found to possess criminal habits, he is sent to the Borstal institution. The first part only indicates his present condition and the reason why he is convicted. But my hon. Friend does not object to the words that follow, and I cannot understand the object of his amendment. The amendment recognizes as a matter of fact that the people who are sent to these institutions are people of criminal habits and only shows a verbal tenderness and asks for the omission of the words which are really necessary to understand the circumstances under which detention is ordered."

* Mr. R. SRINIVASA AYYANGAR :—" I do not myself feel convinced of the arguments advanced by the hon. Member from Trichinopoly. On the other hand, some of the dangers pointed out by the hon. the Law Secretary are, I feel, quite sufficient to carry conviction to one's mind. Differences are to be drawn between two classes of individuals, and the hon. the Advocate-General just now drew our attention to the intention which underlies and which is behind this clause 8, the object being that such detention may have the effect of bringing about reformation and leading to the repression of crime. Let us take a case of a young man of good character who by reason of bad association for the time being or on account of some momentary impulse or excitement strays into questionable ways and commits an offence which is punishable with imprisonment. The magistrate may be disposed to deal with him somewhat lightly by sentencing him to imprisonment till the rising of the court or for a day or two. If you give effect to this amendment, you will tie down the hands of the magistrate and force him to send that young man not for two days or two months or even twenty months, but for a minimum period of two years, during the whole period of which the parents of the boy will be haunted with the idea that their boy has been taken away from them, kidnapped as it were, and placed in a place which,

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though called as a school, is for all practical purposes a prison or a reformatory school. The minimum period is two years, and the maximum five years. Is it really reasonable to attract the operation of this Act to cases like those I have just indicated? Will it not lead to unmerited hardship, and after all is it likely to produce any appreciable effect on the boy himself, who is oppressed with a mental torture that he has been sent to jail, by force as it were, and removed away from his home and ordinary surroundings for a minimum period of two years? These considerations are, I submit, of a far-reaching character, and may I appeal in all humility to my hon. Friend from Coimbatore, who is at times obstinate in such things, to see that he does not press his amendment?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I take what my hon. Friend says as a compliment. But anyhow I do not want to act as he says in this case. I have to press my amendment, Sir."

The amendment was put and lost.

* Mr. R. SRINIVASA AYYANGAR in moving the amendment standing in the name of Mr. G. Ramaswara Rao, in his absence, said: I beg to move—

'that in line 9 of clause 8 the words "under penal discipline" coming after the word "detention" be omitted.'

"The operative portion of the section as amended will read: 'it shall be lawful for the court, in lieu of passing a sentence of imprisonment, to pass a sentence of detention in a Borstal school . . .' I submit there is no need for the insertion of those words 'under penal discipline' because the very idea of detention in a Borstal school carries with it some discipline. A person that has to be detained in a Borstal school has to submit himself to some discipline or other. Without discipline there can be no detention. The two necessarily hang together, and in that state of things there is no necessity to have those words which carry a bad odour."

Mr. P. ANJANEYULU :—" I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I beg to accept the amendment, Sir."

The amendment was put and carried.

Clause 8, as amended, was then put, passed and added to the Bill.

Clauses 9 to 11.

Clauses 9, 10 and 11 were then consecutively put, passed and added to the Bill.

Clause 12.

Mr. C. V. VENKATARAMANA AYYANGAR :—" I formally move—

'that in line 4 of the proviso after the word "prison" the words "or in such other place" be inserted'

and leave it to the hon. the Home Member to accept it or not. It is only an enabling section. Supposing there are boys and girls for whom accommodation could not be found, I am only saying that the Government under this Act may be given the power of sending them to some other place where

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they may be kept under discipline, i e., to release them from the detention at once. Of course, there are subsequent clauses by which the Government on the recommendation of a committee can send away such boys and girls after six months. If in any special case it is found that a particular boy or girl may not be sent to the Borstal School but to some other place, the Government should have the power to do so. It is not compulsory but it is only an enabling clause. Unless the Government has suspicion among themselves that wrong orders might be passed, they ought to see their way to accept this amendment."

* Mr. R. SRINIVASA AYYANGAR :—"I second it."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The only difficulty in accepting the amendment is that Government are not sure that in places like those contemplated by the hon. the Mover these people can be kept with safety. That is the whole trouble. I am unable to accept the amendment."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I only suggest that in case Government are able to find some other suitable place, say like the Industrial School at Coimbatore and supposing that proper arrangements can be made there, or supposing that the parents themselves are prepared to pay something for the upkeep of the boy or girl, if it is after all a question of a few days detention he need not be sent to a Borstal School. I want the Government to act only in such cases where there is provision for such an arrangement and where all the conditions are satisfactory."

* Lieut.-Col. J. P. CAMERON :—"In view of the fact that every inmate of a Borstal School is a criminal offender, it is absolutely necessary for the boys to be guarded and properly looked after. I do not think there is any other place where arrangements can be made in this connexion for such boys. If necessary, accommodation can be arranged outside the main jail."

Mr. P. ANJANEYULU :—"As the amendment stands, the words 'in such other place' do not necessarily exclude such other suitable part of the prison. Discretion is given to the Government. If the Local Government can find such other place as may be suitable for the detention of the offender instead of sending him to the Borstal School, I see no reason why the Government should not do so. It is only an enabling clause."

* The hon. the PRESIDENT :—"Does the hon. Member press his amendment?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I would like to press it." The amendment was put and lost.

Clause 12 was then put, passed and added to the Bill.

Clause 13.

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I beg to move that 'for the word "Inspector-General" substitute the words "Local Government".'

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"I consider that it is highly desirable that in this case the Local Government should be given the power so that the Local Government may take power under the rules if necessary to delegate its powers to any officer they like. But to say that all the powers even in the first instance should be given

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to the Inspector-General is to make the Inspector-General take every initiative and he will go and inspect them. Not that I have any complaint against the Inspector-General personally but the objection that I raise is against the system advocated. I would again say that it is desirable to vest the power primarily in the Local Government."

* Mr. R. SRINIVASA AYYANGAR :- "I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— "Sir, I have to oppose the amendment. I do not see any reason why we should feel shy of the Inspector-General. After all, he is the administrative head and it is he who is going to be in charge of the administration of the Borstal schools. Even if the words 'Local Government' are inserted, the Local Government will have to ask the Inspector-General for advice and they will have to act on his advice. Under these circumstances, I would urge for the retention of the word as it is."

The motion was put to vote and lost.

Clause 13 was then put, passed and added to the Bill.

Clause 14 was also put, passed and added to the Bill.

Clause 15.

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I beg to move—

'in line 3 of sub-clause (2) after the word "sooner" insert "cancelled".'

"I move the amendment with this object. If the boys are once sent to Borstal schools however good it may be and however wrong the conviction may be, the Government have no power under the Act to cancel it even though a committee may recommend it and the Government also are satisfied until a period of six months is over. My object in this amendment is to give the Government that power. It may happen that for very good reasons the Government may like to cancel the order but under the Act they have not got the power. It would be a great hardship in cases where the Government themselves are satisfied that the conviction was wrong. I believe the word 'cancelled' is better and I therefore move the amendment."

Sriman SASIBHUSHAN RATH Mahasaya :—"I second it."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"Sir, I do not know why the hon. Member wants the word 'cancelled'. The word 'revoked' is good enough to include cancellation that he desires to be made. Also, I think, Sir 'revoke' is the word used in section 401 of the Criminal Procedure Code and here also that word has been used."

* The hon. the PRESIDENT :—"Is there any legal distinction between the word 'cancel' and 'revoke'?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—"The difficulty is, Sir, the word 'revoke' is subjected to what is stated in clause 17."

* Mr. R. SRINIVASA AYYANGAR :—"So far as the phraseology is concerned 'cancellation' includes revocation of an order. We find such powers being given to Courts to revoke a particular order."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I do know if the Advocate-General would not accept the amendment in view of the fact that under section 17 'a licence granted under section 15 may be revoked at any time by the Inspector-General'. It is only the Inspector-General that can

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do it subject to certain direction by the Local Government. The Bill as it is gives powers of revocation only under this circumstance. Therefore I thought that the word 'cancel' also might be there. It may be that sometimes cancellation and revocation may be the same. But certainly on many occasions revoke is used to mean something different from cancel."

* Mr. R. SRINIVASA AYYANGAR :—"To obviate these difficulties may I suggest the word 'rescind'?"

Rai Bahadur T. M. NARASIMHACHARLU :—"Sir, all these words are mere tautologies."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"I now see that the objection of the Mover is to the powers of revocation under section 17 and if need be that question may be raised under that section. I really see no objection to the existing words. I must say that revocation includes cancellation."

The amendment was by leave withdrawn.

Clause 15 was then put, passed and added to the Bill.

New clause after clause 15.

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, I move that

'after clause 15, insert the following new clause and re-number the subsequent clauses in Part III :—

"16. *Where a society has undertaken the duty of assisting or supervising persons discharged from a Borstal Institution either absolutely or on licence under section 15, there may be paid to the society towards its expenses incurred in connexion with the persons so discharged such sums on such conditions as the Local Government may under rules framed under the Act deem it fit*".

"My object is that societies which are established for assisting or supervising persons who are discharged from a Borstal School should be encouraged in all possible ways, including help by monetary grants. It is with that view I have ventured to move this amendment."

* Mr. J. A. SALDANHA :—"I second it. There was some discussion on this subject yesterday. But I think I was somewhat not very clear or there was some misunderstanding of my position. The hon. the Finance Member seemed to think that we are unnecessarily encroaching on the discretion of the Government. All that we seek is that the conditions under which moneys of Government may be given may be laid down. So that the public may know exactly on what conditions they give the money. We did not object to substantial assistance or aiding societies in any manner in which Government want. On the other hand, the object of this clause is to encourage such societies and it is but fair to the public that they ought to know on what conditions the money is given. Therefore I would press this amendment."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Yesterday, Sir, on the motion by Mr. Ranganatha Mudaliyar, I said that it was unnecessary to make any legislative provision. As a matter of fact, without any legislative enactment the Discharged Prisoners Aid Society gets a grant of Rs. 3,000 a year and there are other such institutions. I do not think there is really any necessity at all to make a provision in the Act."

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* Mr. A. RANGANATHA MUDALIYAR :—“ May I take it that the hon. the Home Member would put this matter under the rules which he will place for the affirmative sanction of the House? If the rules he makes will come under the category of those that would be subjected to the affirmative sanction of the Council, I have no objection, Sir ”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ The provision will be in the Budget and Members have their opportunity to express their views.”

* Mr. A. RANGANATHA MUDALIYAR :—“ The budget consists of a number of pages and it may not be possible to find time to discuss this subject during the course of Budget debate.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I am sorry I cannot give any further undertaking.”

The amendment was by leave withdrawn

Clause 16.

Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—“ Sir, I beg to propose a small consequential amendment, viz.—

‘ that the words “ as the local Government may direct ” instead of the words “ as may be prescribed ” be inserted.’

* I lieut.-Col. J. P. CAMERON :—“ I second the motion.”

* Mr. S. SATYAMURTI :—“ Sir, I would suggest the addition of the words ‘ by rules ’. Probably my Friend Mr Krishnama Achariyar was anticipating the decision of the House on the question as to what their rule-making power is going to be. If he has not made up his mind, I would suggest the addition of these words to the amendment he has proposed.”

Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—“ I accept the words.”

The amendment was then put as further amended and carried.

Clause 16 as amended was put, passed and added to the Bill.

Clause 17.

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ I move that—

‘ in line 3 after the word “ be ” insert the words “ cancelled or ”.’

‘ Sir, clause 17 says ‘ Subject to any general or special directions of the Local Government, a licence granted under section 15 may be revoked at any time by the Inspector-General and where a licence has been revoked the person to whom the licence related shall return to the Borstal School.’ I want to make a distinction between revocation and cancellation, because in the case of revocation the boy or girl has to go back to the Borstal school. I want that the Inspector-General may be allowed, if he has good reasons, to cancel the licence. The Government and the Inspector-General must have the power of cancelling the whole thing for various reasons. It may be the conviction itself is found to be very wrong. It may be the conduct of the boy or girl may prove to be very satisfactory. Therefore I suggest that the Inspector-General should have some power, subject of course to the general conditions laid down by the Government. Of course the licence will be revoked if the conditions under the licence are misused. The boy or girl

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in the Borstal school may anticipate all the good accruing to him, and after all the conviction itself may be wrong. Therefore I want to give some power to the Inspector-General under conditions to cancel the whole licence in case there will be no necessity for the boy or girl to go back to the Borstal school."

* Mr. A. RANGANATHA MUDALIYAR :—" I second it."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" It has been pointed out by the Advocate-General that there is no necessity for this amendment."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" This section provides for licences granted under section 15 being cancelled. The result naturally is, as the section itself states, the licence being revoked, the boy must return to the institution. But the object of my hon. Friend is that it is not so much the licence that ought to be revoked, but the original sentence of detention itself, and in consequence this licence would fall to the ground along with it. I think the Criminal Procedure Code provides under section 401 that the Local Government should really be invoked. Section 17 deals with a different subject altogether, namely, the original sentence of detention standing, the licence granted being revoked, and the criminal returning to the custody from which he left. If such a licence is revoked without the sentence of detention being cancelled he can only go back to the Borstal school."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I think we had a discussion in the Select Committee about this. If the Advocate General says that the Criminal Procedure Code would apply, I have no objection. I think there must be some such provision. All I want is that Government should have some power. Being a special Act, you may say the provision in the Criminal Procedure Code would not be applicable here."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" This is a case where the Criminal Procedure Code would apply. If it becomes necessary, it may be moved under section 20."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I was about to suggest that. I am quite satisfied."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I cannot give an undertaking."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Then I will press it. The Advocate-General gave me very good reason that sometimes convictions might be found to be wrong and therefore we must have a provision to cancel such convictions."

The amendment was put and lost.

Clause 17 was put, passed and added to the Bill.

Clause 18 was put, passed and added to the Bill.

The House adjourned for lunch at 1-40 p.m.

After Lunch (2-35 p.m.)

Clause 19.

* The hon. the PRESIDENT :—" As there are no amendments to clause 19, I will put clause 19 to the House."

The clause was put and passed and added to the Bill.

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New clause after clause 19.

* Mr. J. A. SALDANHA :—" Sir, I beg to move—

‘ After clause 19 add the following new clause as Part IV :—

“ 20. (1) *The Local Government may provide for the establishment in any district of one or more separate courts for the hearing of charges against adolescent persons or of applications for orders or licences relating to them at which their attendance is required.*

(2) *Where no such separate courts have been established before which the adolescent persons are brought shall unless such persons are tried jointly with any other persons not being adolescent persons, whenever practicable, sit either in a different building or room from that in which the ordinary sittings of the courts are held or on different days or at different times from those at which the ordinary sittings are held and as far as possible all formalities relating to the trial of offenders except those absolutely necessary under the Criminal Procedure Code shall be dispensed with ”.*

“ This clause is based upon the corresponding clause in the Children’s Act where Government is authorized to provide for a separate court for the hearing of charges against adolescent persons or of applications for orders or licences relating to them at which their attendance is required and where no such separate courts have been established to provide that the courts before which such adolescent persons are brought should sit in a separate room other than the court room. Now, in the case of children up to the age of 15 they should be tried in a separate court. Therefore it stands to reason that adolescent offenders should be similarly tried. The section is permissive and it does not compel the Government to provide such courts. Adolescent offenders can be distinguished of course from children though they stand on a category very near that of children. It is necessary to put them in an atmosphere different from the ordinary courts and if there are no such courts they should be tried, if possible, in a separate room. This section I do not think requires the special sanction of the Government of India as it does not infringe the ordinary procedure. It is necessary also that if they are to be tried in the ordinary courts, as far as possible all the formalities relating to the trial of offenders should be dispensed with. For these reasons, I beg to propose the insertion of this clause in the Bill.”

2-45
p.m.

* Srinian BISWANATH DAS Mahasayo :—" I beg to second this amendment. The mover of the amendment does not ask for anything more than what is already provided. He asks either for a separate court or a separate court-house. I may add that he does not also make it obligatory on the part of Government to establish separate courts. If they choose, they may establish them. Under these circumstances, I second the amendment.”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, the principle involved in this amendment has been rejected this morning when a similar amendment was thrown out. I hope this Council will be consistent and reject this amendment also. This amendment asks for separate courts being established as in the case of children. I think it is an infringement of the ordinary law and I do not see any reason why any exception should be made. I oppose the amendment.”

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* Mr. J. A. SALDANHA :—"The very fact is that many of these adolescents will be near the age of 16 and practically they should be treated as minors. Most of them will be below the age of 18 or 21 which is the age fixed for minority under the Minors Act. They being minors in the eyes of ordinary law and also in the eyes of law as we contemplate, I do not see any reason why the Government should not provide separate courts for them. Therefore I beg to press my amendment."

The amendment was put and lost.

Clause 20.

Mr. P. ANJANEYULU :—"In the absence of my hon. Friend, Mr. Rameswara Rao, I beg to move the amendment which stands in his name as follows :—

'In line 3 for "section 8" substitute "sections 7 and 8".'

"Sir, as it is, section 8 covers the intention of the original mover of this amendment, but to be more explicit I beg to move that 'section 7' also should be added. Section 7 (2) reads 'The district magistrate or subdivisional magistrate to whom the proceedings are so submitted may make such further enquiry (if any) as he may think fit and may pass such sentence or order dealing with the case as he might have passed if such adolescent offender had originally been tried by him.' So it is only to be more explicit I want that 'section 7' also should be added."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"It seems to me that if section 7 is included, then section 6 ought with greater force to be added. Sections 6 and 7 are sections dealing with procedure. The main portion is only section 8 which deals with power of court to pass sentence of detention in Borstal schools. Therefore I do not think that it is necessary to add section 7."

* The hon. Khan Bahadur MAHAMMAD USMAN SAHIB Bahadur :—"I agree with my hon. Friend, Mr. Venkataramana Ayyangar, and on the same grounds on which he has opposed this amendment I also oppose it."

The amendment was by leave withdrawn.

* Mr. C. V. VENKATARAMANA AYYANGAR :—"The amendment that stands in my name runs as follows :—

'Add the following sentence at the end :—

'Any person affected by an order of the Inspector-General under this Act may appeal to the Local Government whose orders shall be final'."

"Sir, section 15 gives very large powers to the Inspector-General, namely, that—

'The Inspector-General on the recommendation of the Visiting Committees . . . by licence permit him to be discharged from the Borstal school on condition that he be placed under the supervision or authority of any Government officer or secular institution or person or religious society professing the same religion as the inmate named in the licence who may be willing to take charge of him.'

"My submission is that in Hindu religion itself there are various sects and communities and supposing for some reason or other an offender does not like to be sent to the particular institution to which the Inspector-General directs him to be sent, then it would be very hard for such an

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offender. One other thing is that section 17 gives power to the Inspector-General to revoke a licence once given to an offender contrary to his wishes, but if appeals are provided under ordinary circumstances one would be very careful in passing his orders for the fear that they may be reversed by the appellate authority. If we provide that an appeal may be made to the local Government then the local Government may ask the Inspector-General as to what his views are in the matter. I do not say that anybody representing the offenders may appeal to the local Government but I say that only persons affected may appeal to the local Government whose orders shall be final. Under these circumstances I hope that the hon. the Home Member will be pleased to accept my amendment. I do not think there is any harm in accepting my amendment. I take it, Sir, that this Act is going to be in force for a long time and as such if we stipulate that an order of the Inspector-General is subject to an appeal to the local Government, he will be careful in passing his orders. Human nature being what it is, I think it is always desirable to provide for an appellate authority and the very fact that there is an appellate authority will make the officers consider very carefully in passing their orders."

* Mr. R. SRINIVASA AYYANGAR :—" In seconding this motion I am conscious of the opening portions in clause 15 (1) which enacts 'Subject to any general directions of the local Government the Inspector-General . . . may at any time permit'. What these directions are, general or special, we are not in a position to know. Those directions may or may not confer a right of appeal. Therefore to place the section beyond all possible doubt I think it is desirable that the amendment just proposed should be made to form part of the Statute."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I have no objection to accept the amendment."

The amendment was put to the House and carried.

Clause 20 as amended was put, passed and added to the Bill.

Clause 21 was put, passed and added to the Bill.

New clause after clause 21.

* Mr. S. SATYAMURTI :—" In the absence of my hon. Friend, Mr. Rameswara Rao, I beg to move the amendment that stands in his name as follows :—

'Add the following as a new clause :—

"22. Conviction under this Act shall not be regarded as a conviction for the purpose of any disqualification attaching to a conviction for any offence."

"If hon. Members look at the order paper, they will find that the last clauses of amendments Nos. 60 and 61 on the paper given notice of by my hon. Friends, Messrs. Ghouse Mian Sahib and R. Srinivasan, bring out the purport of this amendment in a different language. I take it therefore that the different sections of this House are more or less in favour of the principle underlying this amendment. If of course there is any difficulty about the language, I shall certainly be quite willing to accept any alteration which the hon. the Home Member or his expert advisers may suggest. The word 'sentence' is used in clause 20 as it is. I am sure that with regard to the spirit of this amendment the Government are with me. The whole purport of this Bill is to make all these unfortunate juvenile offenders honest and

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honourable citizens of the country who will benefit or who are expected to benefit by the training given to them in these schools. If that is the object, Government should be ready to provide that these convictions or sentences, whichever word is adopted, should not be attached to these men and women throughout their lives as a kind of bar sinister disqualifying them from those privileges of citizenship which by right belong to all people, except hardened criminals or convicts who have been in jails. I do not expect any serious opposition to this. I therefore commend this amendment to the House in the sincere hope that Government believe in this Bill. If that is so, they must support this amendment. Of course, if they are merely passing this Bill with all its technicalities, simply to please the sentiments of a few people here and there and still adhere to the principle that these offenders should be treated only as convicts, then I have nothing to say. But on the other hand, if they expect these young men and women to become honest and honourable men and women, they must make that process easy by accepting this amendment. I have very great pleasure in moving this amendment."

MR. P. ANJANEYULU:—"I beg to second this amendment, especially in view of the language employed in clause 2 where the intention is that such persons should be detained for such term as they may be found to be useful citizens to the State under such instructions and discipline as appears most conducive to their reformation and the repression of crime. If the Bill is left to stand as it is, it will be practically giving him an incessant reminder that he is to be treated as a criminal. Therefore to see that he is reformed and that he may not be reminded of his past crimes it is necessary that this amendment should be accepted. I hope and trust that hon. Members of this House will accord their support to this amendment."

* MR. C. V. VENKATARAMANA AYYANGAR:—"I want to say only one word. I think the word 'conviction' which is sought to be used is not right, because there is no conviction under this Act. It is only after a man is convicted that this Act applies to him. Sentence is confined only to ordinary offences and it may result in a small fine or it may be even imprisonment for a prolonged period. There are a number of disqualifications attached to persons who have been sentenced either to imprisonment or fine. In some cases they are disqualified to stand as a candidate for election or to vote according to Municipal Act, the Local Boards Act and the Legislative Council Rules. Therefore it is desirable to make this provision. For the purposes of future convictions the old convictions may be taken into account as in the Indian Penal Code. But if the real object of the Government is to help these unfortunate boys and girls, in spite of the fact that they have changed the name of the Act itself, I think that there should not be this disqualification. Of course, the changes that are necessary may be made in the wording; for instance, we may change the word 'conviction' into 'sentence'."

3p.m.

* THE hon. the PRESIDENT:—"Does the hon. Member Mr. Satyamurti accept the suggestion?"

* MR. S. SATYAMURTI:—"I accept the change, Sir. But may I suggest to you that the wording of my hon. Friend Mr. R. Srinivasan brings out the idea very well and therefore if you give me leave I shall formally withdraw this amendment and move the amendment in his name?"

The amendment was by leave withdrawn.

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New clause after clause 21.

* The hon. the PRESIDENT :—" I think, it will be elegant if it is moved as a new clause after clause 20."

* Mr. S. SATYAMURTI :—" I accept it, Sir, and move the following as a new clause after clause 20 :—

' The detention in a Borstal school of an adolescent person shall not be regarded as a previous conviction for any future offence with which he may be charged, nor be regarded as a conviction for the purpose of any disqualification attaching to such conviction '."

* RAO Sahib R. SRINIVASAN :—" I second the motion. My hon Friend, Mr. Satyamurti, has already explained the object of this amendment. If the previous conviction is also taken into consideration, it would defeat the object of the Bill. The young man or woman is detained in a Borstal school and then discharged from it to be a useful citizen. After that if the previous convictions are to be taken into account, the object of the Bill will be defeated. Therefore, I move that this amendment be accepted."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I am sorry I am unable to accept the amendment. We are dealing with people who have committed very grave crimes and simply because they are trained in a Borstal institution they cannot be supposed to be absolutely stainless in character and fit to be classed with those who have not committed any crime at all in their lives. Such a position would not be true to facts. Further, Sir, there might be some people who might have committed crimes which are less serious than those committed by persons whose case we are now considering and the former might have been sent to prisons. While they are not granted any such privilege I do not see any reason why the detention in a Borstal institution should entitle its inmates to this privilege."

Sriman SASIBHUSHAN RATH Mahasayo :—" Sir, the object of reforming these adolescent offenders will be frustrated if there is no such provision. If you think that the training in the Borstal institution will be beneficial to the offenders and that when they go out they would be able to lead honest and honourable lives you must encourage them to live such a honourable life by conferring upon them this privilege which is possessed by every other citizen. The mere fact of detention in a Borstal institution should not be a disqualification for them. The person who has been reformed in a Borstal institution must not by this disqualification be made to feel all through his life that he is only an ex-convict. He ought to go forth into the world as an honourable and honest man.

" Again, Sir, for an offence a person may go to the ordinary jail for only six months; but here under this Act there is provision for sending him to a Borstal institution for two to five years. In the course of his detention in the Borstal institution for this long period of two to five years he will have received a training which the ordinary prisoner in an ordinary prison would not have received. There is a greater chance of the person sent to the Borstal institution coming out reformed than the person sent to the prison. Therefore this differentiation ought to be made between these two classes of persons and the privilege conferred upon the one who had gone to the Borstal institution. Otherwise the object of the Bill will be defeated.

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* Further, Sir, for a particular offence a person will have to go to a prison for only six months; but he will have to go to a Borstal institution for two, three, or five years. The Municipal Act says that a person who has been in jail for more than one year will be disqualified to sit as a councillor. Therefore, in this case a person who in the ordinary circumstances might have gone to jail for six months and be still qualified for election is disqualified now, because he had been in a Borstal institution. Therefore we not only do not give him the privilege but disqualify him much more. If this provision is not included in the Bill there will be a double disqualification for the person going to the Borstal institution. I have great pleasure in supporting the amendment of my hon. Friend, Mr R. Srinivasan."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Sir, there is one difficulty in the amendment now proposed. It suggests that for a subsequent conviction the detention in a Borstal school should not be treated as a previous conviction. That seems to me to touch the Indian Penal Code which provides that on second conviction previous convictions might be pleaded and punishment regulated accordingly. Under section 80 A of the Government of India Act this Council cannot take into consideration any subject which touches a Central subject or anything which alters or repeals any provision of certain laws passed by any authority other than the Local Legislature. The Code of Criminal Procedure is one of the Acts which cannot be altered without the previous sanction of the Governor-General. Again, under section 80 A (3) (e) of the Government of India Act, the Local Legislature shall not make or take into consideration any law regulating any Central subject. Under the Local Legislatures (Previous Sanction) Rules the Code of Criminal Procedure is one of the enactments to alter or amend which previous sanction is necessary. The Local Legislature may repeal or alter without the previous sanction of the Governor-General only such enactments as are mentioned specifically in the schedule to the rules mentioned above. It seems to me therefore, Sir, that part at any rate of this amendment is not within the competence of this legislature."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Therefore, I suggest that if instead of the word "conviction" we substitute 'sentence' our purpose will be served. As regards the other matter I think the learned Advocate-General is correct. We cannot put anything here which might affect the Code of Criminal Procedure. No doubt with regard to many of our amendments the Law Department at first said that the previous sanction of the Governor-General was necessary but later on added that it was not necessary. In any case in section 20 the powers of the High Court are extended and I do not know if this Council has got the power to do that."

Rao Bahadur V. T. KRISHNAMA ACHARIYAR :—" I may say, Sir, that we have obtained the previous sanction of the Governor-General to clause 20."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Therefore, I am saying that if we pass the amendment here unanimously, Government also approving of it, it will not be difficult to get the sanction of the Governor-General."

* The hon. the PRESIDENT :—" But the sanction is preliminary to the discussion."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" We can solve the difficulty if the principle is accepted. Government themselves may move the amendment, it does not matter who moves it. The word 'conviction' may be changed into 'sentence'."

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* Mr. S. SATYAMURTI :—“ On a point of order, Sir, I am not now going to speak on the merits of the question, but on the point of order raised by the Advocate-General. It is an important matter on which I should like you to give a considered ruling. The section of the Government of India Act read out by the Advocate-General says that the Local Legislature may not make or take into consideration any law regulating any Central subject. This Bill got the sanction of the Governor-General. Certain amendments are also said to have received the sanction of the Governor-General. Certain other amendments have been sent up, and we have not been informed that they require the sanction of the Governor-General. Then at the last moment, when the Government find that they have not got a strong case on the merits of the question, they turn round and say, ‘ You shall not trespass upon the sphere of Central subjects.’ When a matter which they think essential for the Bill has to come up before the Legislative Council, their expert advisers say that no sanction is necessary. But when we give our amendments, to come and say at the last moment that previous sanction is necessary seems to me to be unfair to this House.

“ Then on the merits of the question—I have not got the Criminal Procedure Code with me—I think that the word used in the Code is ‘ conviction,’ and whereas throughout this Bill the word used is ‘ detention.’ That was why I asked your leave to substitute Mr. Srinivasan’s amendment for the amendment of Mr. Rameswara Rao ”

* The hon. the PRESIDENT :—“ There also the word ‘ conviction ’ occurs.”

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* Mr. S. SATYAMURTI :—“ The point is that the Code of Criminal Procedure confers upon the prosecutor the right to prove previous convictions, while this amendment seeks to take away that right with regard to the people dealt with under this Bill. The detention in the Borstal school shall not be regarded as previous conviction for any future offence with which he may be charged. That is what the amendment says. To the extent to which this affects the Criminal Procedure Code it simply means this : you shall not treat detention here as conviction for the purposes of the Criminal Procedure Code. We are now enacting a new law on a new subject and, lest by analogy or by wrong interpretation or by other misleading arguments, courts or lawyers should say hereafter that detention is also conviction, we simply say here as a matter of *ex abundanti cauteli* that this detention shall not be treated as conviction for the purposes of the Code of Criminal Procedure. Apart from the question of merits, I submit that it is not open to the Government to raise this point of order and I am submitting to you, Mr. President, that what we are attempting to do in this amendment does not contravene the provisions of the Government of India Act or the Rules made thereunder, and I leave the matter confidently in your hands.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“ Merely as a matter of rule and practice, Sir, may I point out that the section begins by saying that the legislature cannot make or take into consideration certain things. That is the phraseology of the section. Taking into consideration applies to any stage of such consideration. With regard to the other point made by the hon. Member for the University, it is no doubt a fact that the departments of Government acquaint hon. Members with the circumstance that for certain amendments previous sanction would be necessary but that is not a statutory requisite. The rule is that hon. Members who move the amendment ought themselves to obtain the sanction of the Government of India, and that is

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how it is generally done. And therefore the fact that the Law or any other department did not point it out does not take it out of the purview of the section."

* The hon. the PRESIDENT.—"With regard to the merits, has the hon. the Law Member anything to say?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Nothing, Sir."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I do not think we can accept the contention of the hon. the Advocate-General that this militates against the provision of the Criminal Procedure Code and that for that reason this Council cannot consider this amendment. It will be remembered that that objection could have been urged if we were considering the amendment of Mr. Rameswara Rao where 'conviction' is expressly referred to. A moment's consideration as to the scope of the Bill and a reference to some of the sections of the Bill will convince this House that a distinction has been drawn between detention under section 8 of the Act and imprisonment. Turning to clause 14 we find that a definite distinction has been drawn between detention in a Borstal school and a sentence of imprisonment under the provisions of the criminal law. So far as detention in a Borstal school is concerned it is a new thing not contemplated at the time when the Criminal Procedure Code was passed or the Indian Penal Code and hence cannot be taken to have the same meaning as conviction so far as the criminal laws are concerned. I therefore submit that the contention of the hon. the Advocate-General cannot be supported."

* Mr. J. A. SALDANHA :—"I understand from the hon. Member, Mr. Krishnama Achariyar, that the previous sanction of the Government of India has been obtained."

* Rao Sahib R. SRINIVASAN—"I applied and I was informed that the sanction of the Government of India should be got. Afterwards I had a communication from the Law Department that I have got the sanction required. Unfortunately I have left it at home."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I got one letter saying sanction was necessary for the following amendments: Then followed another letter saying that on further consideration the Government of Madras thought that no sanction was necessary. I do not know if so far as Mr. Srinivasan is concerned he was told that sanctions had been obtained."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"That is what the hon. Member Mr. Srinivasan, says. The letter from the Government of Madras, Law Department, to Mr. Srinivasan is here."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"Pending ascertainment of the facts in connexion with it, I may say this. Members seem to be under a misapprehension as to the result of this enactment. If a person who is brought before the court as an accused is acquitted, there is nothing more to be done under this Act. It is only on his being convicted of the offence with which he is charged that the provisions of Part II come into operation. Therefore a person detained in the Borstal school is a person convicted of the offence and instead of the sentence which would ordinarily be passed under the Penal Code, it is converted into a sentence of detention in Borstal schools. Under the Penal Code if a person who has once been convicted of an offence is again convicted, he will be liable to an enhancement

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of sentence in cases in which the court thinks that by reason of such previous conviction a higher sentence should be awarded. That being so, the fact that a person has been detained in a Borstal school is not one which takes him out of the operation of the section which says that previous conviction may be pleaded against him. If hon. Gentlemen proceeded on the footing that detention in a Borstal school got rid of the conviction in court, they are mistaken. I think some of the arguments at any rate addressed for taking this provision out of the pre-requisites of section 80-A (3) sub-clauses (e) and (h) and the Previous Sanction Rules—in so far as these arguments proceeded on the footing that there had been no previous conviction in such cases—they are mistaken. There is a previous conviction; it will be pleadable on a subsequent conviction and if the present amendment is carried, we shall be affecting section 75 of the Penal Code."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" May I also appeal to the hon. the Advocate-General to see this thing? 'There is really no conviction under this Act. The conviction is under the Penal Code and this amendment is to the effect that the detention shall not be regarded as a conviction which may be used for the purpose of section 75 of the Penal Code. Therefore if this amendment is passed, it does not in any way affect a conviction given before this Act came into force. It is only if the court takes jurisdiction under section 8 of this Act, that any order passed shall not make him a convict for that reason. The original conviction will stand and the original procedure under section 75 of the Penal Code remains on that conviction. I admit that the amendment may be better worded. I still believe that amendment No 22 on the paper will be much better with the change of the word 'conviction' into 'sentence'. As it is even detention in the school is not a conviction under the Criminal Procedure Code because the conviction is there before section 8 comes into operation. The very word 'adolescent offender' is defined to be any person convicted.'"

* The hon. the PRESIDENT :—" Does the Code of Criminal Procedure recognize Borstal schools? "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" No, it does not. The definition of the word 'adolescent offender' shows that the conviction must be under the Code. The trial must be under the Code and the conviction also. The next procedure according to the Code is to pass a sentence. It is at this stage that section 8 of this Act comes and lays hold on the magistrate, who sentences him to detention. It is that detention or sentence that is contemplated in this amendment and it will not in the least affect any previous Act of the Government of India."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" Do I understand my hon. Friend to say this, that the previous conviction could be pleaded but that the sentence of detention could not be pleaded? "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Quite so. Because the Municipalities and the Local Boards Act and the Legislative Council Rules all deal with sentence and not conviction. Section 75 of the Penal Code deals with conviction."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" If that is so, all that I can say is this. According to his own showing, a sentence of detention cannot be pleaded on a second conviction. I do not know why my hon. Friend wants a provision in this section. On his own confession, the conviction on which

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that detention is based could be pleaded and the later conviction would be a second conviction. If that is so, a section in the present enactment that a sentence of detention cannot be pleaded is really meaningless."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" A conviction can be pleaded for the purpose of section 75, while a sentence of detention cannot be pleaded for the purpose of the Municipalities Act, the Local Boards Act and the Legislative Council Rules."

* Mr. S. SATYAMURTI :—" Sir, I am afraid if you uphold the hon. the Advocate-General's point, I hope you will not, I have no case."

* The hon. the PRESIDENT :—" Order, order."

* Mr. S. SATYAMURTI :—" As it is, the discussion has proceeded on two things, the first being the point of order. I presume the hon. the Advocate-General has not dealt with the other part of the question."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" I said so clearly, that I objected to the first part of the amendment."

* Mr. S. SATYAMURTI :—" I agree with him that if I am allowed to prove the conviction, I would rather prove the detention because it will take away the sting of the conviction. I will prove that I have been detained in the Borstal school and the magistrate may think that it is a lapse of a temporary nature which may be condoned or dealt with leniently."

"On the point of order, I should like to say only one thing for your consideration."

* The hon. the PRESIDENT :—" I am informed that information has been received from the Government department that sanction has been received for this amendment and so the discussion on the point of order need not continue but will proceed on the merits."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am rather surprised, Sir, that without any information as to what has been done, as to whether the sanction had been obtained or not, we were going on with this discussion. Upon the merits, the only objection raised by the hon. the Home Member is that persons who are sent to the Borstal schools under section 8 are persons who cannot be distinguished with regard to the nature of the offence from ordinary criminals and that they do not therefore deserve the special consideration which is sought to be shown to them by means of this amendment. May I draw the attention of the House to the fact that the proviso to section 8 sets forth the various circumstances under which such an order of detention may be passed? The proviso says: 'Provided that before passing such sentence, the court shall consider any report or representation which may be made to it as to the suitability of the case for treatment in a Borstal school and shall be satisfied that the character, state of health and the mental condition of the offender and the other circumstances of the case are such that the offender is likely to profit by such instruction and discipline as aforesaid.' If it were the case that persons are sent to the Borstal school on the initiative of the court without any enquiry as to the suitability of the case for treatment in the school, without any enquiry into the character of the offender or into the circumstances affecting his conduct, one might be inclined to view with favour the argument advanced by the hon. the Home Member that because he is convicted we cannot distinguish him from other criminals. Because the selection is made with reference to persons to be sent to the Borstal school, due regard being had to the character, mental condition and other circumstances of the

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offender, I think a distinction ought to be made between ordinary criminal and offenders sent to the Borstal schools. Again, I may point out the provisions of section 14, which I referred to for another purpose, make it clear that when once the Government are satisfied that the man is incorrigible and is exercising bad influence on others, he loses the benefit of section 8. He will no longer be detained in the Borstal school and will be sent to serve out imprisonment in the ordinary jail. But under the provisions of this Act, a selection is made with due regard to the character, etc., and it has been laid down that none but the incorrigible ones should be sent back to the prison. I think the amendment is reasonable. I am not able to find why the hon. the Home Member says that discrimination cannot be made between the ordinary criminals and these persons. If this amendment is not accepted, my fear is that an impression may be created that, after all, the sending of a person to a Borstal school does not really carry out the object which every one has in view. If it is intended to reform the character of these persons, if it is intended to produce some healthy influence upon their future prospects in life, I think this sort of disqualification ought to be removed and they should not be labouring under this stigma for any period of their lives. This amendment helps in carrying out the object of the Government in initiating this measure, and I would ask them not to press their opposition to the amendment. If they still stick to their opposition, I think the very object of the Bill itself will be defeated and persons will not be encouraged to take advantage of the provisions of this Bill."

* Mr. S. SATYAMURTI :—" Sir, now that the Government say that they have the sanction, may I with your leave add the following words after the words 'an adolescent person', namely, 'or the conviction on which such definition is based'?"

* The hon. the PRESIDENT :—" The sanction was given to a particular form of the amendment, and I do not think the hon. Member is justified in adding any words to it."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, it appears to me that there is a good deal of confusion of ideas. Under the Criminal Procedure Code, as the learned Advocate-General has pointed out, there is first the conviction, and then the sentence follows. Section 8 is a new kind of sentence which is brought out under this Act, after conviction. Therefore under the Criminal Procedure Code when a person is convicted again of an offence committed afresh of the same kind, the previous conviction can be pleaded. Now, the authors of this amendment say that in the subsequent conviction the previous one cannot be pleaded, need not be pleaded, and ought not to be pleaded. I ask why? If the Government or the Court was very sympathetic towards that boy, and instead of sending him to imprisonment in a jail they were kind enough to send him to the Borstal school for training and discipline to become a better man, and if, notwithstanding that sympathy and facilities shown to him, he errs again and commits another offence, I do not see why the previous conviction should not be pleaded, especially when he had the opportunity to mend but did not do so. Therefore, I think, Sir, on the merits that this is false sympathy placed on one who was given an opportunity to mend himself but who did not do so. And again, as I pointed out, it is only a new kind of sentence introduced by section 8. This does not prevent you from pleading the conviction itself at the next offence and therefore this

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amendment will not be of any use to those who now propose it. This amendment does not say that you cannot treat it as a conviction. It simply says that this detention shall not be pleaded as a conviction. A sentence is quite different from the conviction itself. That is so far as regards the first part of this amendment.

"As regards the second part, it says 'nor be regarded as a conviction for the purpose of any disqualification attaching to such conviction'. Well, Sir, the authors of this part of the amendment have in their minds the disqualifications in the Local Boards Act and the Municipalities Act and the rules under the Government of India Act for the purpose of getting elected to the several local bodies or the Legislative Council. There the disqualification is imprisonment for six months or one year as the case may be. There it is the sentence that stands as a bar to the qualification to get into the local bodies. The imprisonment is a kind of sentence imposed under the Criminal Procedure Code. It is that which is placed as a bar to his qualification. Now, this detention in a Borstal school is not imprisonment. It is a different kind of sentence. Therefore by making detention in a school not a bar to that kind of qualification, I do not see how you really get what you want. The idea of the authors of the amendment seems to be that imprisonment is placed as a bar to qualification under the Local Boards and other Acts and that that bar will be removed by the amendment. But even if this amendment is passed, that disqualification still remains, that is, whoever might have undergone imprisonment or detention will still be disqualified, and therefore by passing this amendment you will not make your brothers a whit better or even a little more qualified. Therefore, I think, Sir, that as I already submitted there is confusion of ideas between conviction and sentence, and imprisonment and detention in a Borstal school. So, I submit that this amendment will not give what is desired by the hon. Members who have brought it forward. It will be merely useless and will not attain the object which is in their view."

* Mr. J. A. SALDANHA :—"Sir, may I point out that this is a matter of logic and verbal exactitude? As pointed out by my hon. Friend Mr. Narasimhacharlu, there is some sort of confusion introduced, and there is a confusion of words in this amendment. Now, the definition of adolescent prisoner implies that the man is convicted (A voice: 'It is not so.') I want to know whether by undergoing training in a Borstal school that idea of conviction is got rid of; as the hon. the Home Member pointed out, the stain of conviction is there. The adolescent offender is a convicted person. The question is whether, because he is turned into a gentleman or a respectable citizen by undergoing training in a Borstal school, he will be regarded as not having been convicted at all, because there is the fact of conviction, an adolescent offender being a man who is convicted. If this amendment seeks to wipe away that idea from the public mind, it is an impossible feat I think. I think the idea of the hon. Members who have brought forward this amendment is that this conviction might not stand in the way of his getting into local bodies or the Council, that is, into respectable company. It would be better to put our ideas together and make them clear. I am of course at the disposal of my hon. Friends. In pointing out this defect, I appeal to my hon. Friends on this side to arrive at some understanding as to the ideas and verbal exactitude."

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* Mr. R. SRINIVASA AYYANGAR :—“ Mr. President, this amendment is really unhappy. If we take the first of the amendment, it comes to this : ‘ The detention in a Borstal school of an adolescent person shall not be regarded as a previous conviction for any future offence with which he may be charged ’. All along the discussion has proceeded on the broad assumption that a man is detained in a Borstal school as a result of conviction. As a matter of fact, it is not so. Two classes of persons are detained in a Borstal school. The first class is that of persons who have been convicted of offences punishable with imprisonment. That is class No. 1. Class No. 2 embraces within its ambit every class of persons against whom security proceedings have been instituted and who were ordered to furnish security and who failed to give the security. They cannot be regarded as accused persons, much less persons convicted of any offence. Therefore with respect to the second category of persons, it cannot be said that they have been convicted of any offence. That is as regards the case of persons who attracted the applicability or the operation of section 8 on account of their failure to give security. So far as the first class of persons are concerned, that is persons put up before a magistrate as accused and convicted of an offence, it may be said that with some force of reason that their detention was consequent on the conviction. But with regard to the latter category of persons, they were not accused of any offence and *a fortiori* in their case there could have been no conviction, for certain facts requiring the curtailment of their activities were placed before the magistrate, with the result that the magistrate asked them to keep peace or enter into bond to be of good behaviour for a particular period. Therefore in the case of that class of persons, it cannot be said that there is any conviction at all. Therefore this amendment cannot possibly apply. But to amend the clause like this in this general fashion, to bring into it all manner of cases contemplated as well as un contemplated and even cases which the general law leaves practically untouched, is rather not quite happy. If the idea is to offer some protection to adolescent offenders of the first class, namely, persons who are convicted, I can very well understand the scope of the amendment. But to extend it to persons who do not stand in need of help, the Legislature having given them protection by placing their cases beyond the category of conviction, is something which I for one find myself quite unable to follow or understand.”

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* Mr. S. SATYAMURTI :—“ Before you put it to vote, Sir, may I request you to kindly take it in two different parts? The amendment raises two different issues. The first is the competence of the prosecution to treat it as a previous conviction. The second is a different one. I thought that in view of the difficulty raised, I could ask your leave and the leave of the House to withdraw the second portion of the amendment. I will ask your leave to move the first, viz., ‘ The detention in a Borstal school of an adolescent person shall not be regarded as a previous conviction for any future offence with which he may be charged ’.”

* The hon. the PRESIDENT :—“ The hon. Member is not moving part of the amendment after ‘ charged ’.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ As I understand Mr. Satyamurti, he is not willing to withdraw nor does he do so. He does not withdraw any portion of the amendment, but presses both the parts. What he wants is that the two portions of the amendment may be voted upon separately and certainly you have power to take votes separately.”

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* The hon. the PRESIDENT :—"I understood that he was going to omit the latter part of the amendment."

* Mr. S. SATYAMURTI :—"I am between the devil and the deep sea. I quite see that there are objections to it as it stands. Unfortunately, that seems to have received the sanction. If you can ascertain and tell me the facts, I shall withdraw the latter portion; but rather than take any risk, I will prefer the inelegant wording. Since that will give an opportunity to the House to discuss the matter, I crave the leave of the House to allow me to withdraw this."

* The hon. the PRESIDENT :—"Is the hon. Member withdrawing?"

* Mr. S. SATYAMURTI :—"I am withdrawing the latter portion."

The hon. the PRESIDENT :—"Will the hon. Member kindly ask for leave to withdraw the motion and move it in the altered form?"

* Mr. S. SATYAMURTI :—"I beg leave to withdraw the amendment and move the following:—

'The detention in a Borstal school of an adolescent person shall not be regarded as a previous conviction for any future offence with which he may be charged.'

Sriman SASIBHUSHAN RATH Mahasayo :—"I second it."

The motion was put and declared lost.

A poll was demanded and the House divided as follows:—

Ayes.

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|---|--|
| 1. Mr. K. Prabhakaran Tampam. | 15. Mr. V. Pantulu Ayyar. |
| 2. Rao Bahadur C. V. S. Narasimha Raju. | 16. Sriman Sasibhushan Rath Mahasayo. |
| 3. Mr. C. Ramalinga Reddi. | 17. Mr. K. Uppi Sahib. |
| 4. Rao Bahadur A. S. Krishna Rao Pantulu. | 18. " C. V. Venkataramana Ayyangar. |
| 5. Mr. T. M. Narayanaswami Pillai. | 19. Mr. P. Peddiraju. |
| 6. " J. A. Saldanha. | 20. " M. Sitayya. |
| 7. " A. Ranganatha Mudaliyar. | 21. " R. Srinivasa Ayyangar. |
| 8. " A. Chidambara Nadar. | 22. " V. C. Vellingiri Gounder. |
| 9. " M. Gangaraju. | 23. Diwan Bahadur M. Krishnan Nayar. |
| 10. " P. C. Venkatapatiraju. | 24. Mr. J. D. Samuel. |
| 11. " S. Satyamurti. | 25. Rao Sahib E. Srinivasan. |
| 12. " T. Adinarayana Chettiyar. | 26. Khan Bahadur Muhammad Haji Abdullah Sahib. |
| 13. " P. Anjaneyulu. | |
| 14. " K. Veerian. | |

Noes.

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| 1. The hon. Sir O. P. Ramaswami Ayyar. | 13. Mr. Abdullah Ghatala Sahib. |
| 2. " Mr. N. E. Marjoribanks | 14. " S. Arpudawami Udayar. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 15. " T. M. Ross. |
| 4. " Mr. T. E. Moir. | 16. " D. Manjappa Heggade. |
| 5. " Diwan Bahadur T. N. Sivaganam Pillai. | 17. Capt. E. G. Windle. |
| 6. " Rao Bahadur Sir A. P. Patro. | 18. Rao Bahadur C. Natesa Mudaliyar. |
| 7. " the Raja of Panagal. | 19. Rao Sahib P. V. Gopalan. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 20. Mr. T. Mallesappa. |
| 9. " G. T. Boag. | 21. " B. Obalesappa. |
| 10. " V. Pandrang Row. | 22. " K. S. Ponnuswami Pillai. |
| 11. Rao Bahadur V. T. Krishnama Achariyar. | 23. " P. T. Rajan. |
| 12. Lieut.-Col. J. P. Cameron. | 24. Rao Sahib P. Raman. |
| | 25. Mr. K. Sarabha Reddi. |
| | 26. Rai Bahadur T. M. Narasimhaacharya. |

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* The hon. the PRESIDENT :—“ Twenty-six hon. Members have voted for the motion and 26 against it. I shall follow the usual practice of maintaining the *status quo* by casting my vote against the motion.”

The amendment was lost.

New clause after clause 21.

* Mr. R. SRINIVASA AYYANGAR :—“ In the absence of Mr. Muhammad Ghouse Mian Sahib, I beg leave of the House to move the amendment standing in his name.”

The House having given the permission, Mr. R. SRINIVASA AYYANGAR moved to insert the following new clause after clause 21 :—

‘ A Borstal school shall be liable to inspection at all times and in all its departments by any gazetted officer of the Government or by any Member of the Madras Legislative Council or by any Member of the Legislative Assembly or Council of State representing any constituency in the Madras Presidency ’.

In doing so, he said :—“ My reasons are briefly these. The Bill will become an Act immediately and everyone of us will be interested in seeing to its proper working. It is but natural and desirable that we should have some knowledge of the manner in which the persons detained in jail are treated, maintained, trained and educated. Personal knowledge alone will enable us to go before the Government to rectify the defects and suggest improvements. Sir, I beg leave to move this amendment.”

Mr. P. ANJANEYULU :—“ I second it.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ These can be included in the rules, if necessary. When the rules are framed, this will be remembered.”

* Mr. R. SRINIVASA AYYANGAR :—“ In view of the possibility of this being included in the rules, I beg to withdraw this amendment.”

The motion was by leave withdrawn.

* Mr. R. SRINIVASA AYYANGAR :—“ With the permission of the House, in the absence of Mr. Muhammad Ghouse Mian Sahib, I beg leave of the House to move to insert the following new clause after clause 21 :—

‘ The conviction of an adolescent shall not be regarded as a conviction for purposes of any disqualification attaching to a conviction for any offence ’.”

* Mr. P. C. VENKATAPATIRAJU :—“ I second it.”

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I oppose this for the reasons already given. After all, a conviction is a conviction and I do not see why any concession should be shown. I oppose this ”

* Mr. S. SATYAMURTI :—“ I am pained to see that the hon. the Home Member in his attitude of non-possimus towards these amendments has really no sympathy with this Bill. This is proving to be another penal measure of Government and not the reformatory measure that it purports to be. Unlike what the hon. the Home Member thinks, there are people for whom it is still possible to be reformed and become honourable. The hon. Home Member thinks that when once a man or a woman commits an offence he or she ceases to be a citizen. This is not the way in which a modern State legislates and a modern Government treats its prisoners. It was an idea of

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Dr. Johnson that you can make something even of a Scotchman if you catch him young. Even for the Madras Government, if it catches these people young, it is possible to make something of them. We are asking that a disqualification with regard to election to elected bodies in this country about which even the Government of India are making fairly radical changes should not apply to these juvenile offenders. With regard to the argument of my hon. Friend from Cuddapah, I wish to remind the House with your leave that among the rules governing this matter there is a rule which says 'A person against whom a conviction by a criminal court . . .

. . . is subsisting, etc.' Therefore, this amendment will meet that purpose. 4 p.m.
The hon. the Home Member does not seem even to have been impressed by the fact that something like 26 hon. Members of this House have cast their vote in favour of a similar amendment and that a number of hon. Members of the Ministerialist Party have remained neutral. That shows that public opinion in this House does not count. Are we merely to be cowed down by the majority of votes on the side of Government? We are anxious that this Bill should be given a decent chance. We are anxious that the Government should have an opportunity of effectuating its beneficent intentions. Is the Government going merely to say 'We will merely add this as one of our penal measures'? I appeal to this House, and to the Ministerialists to vote this time in favour of this amendment, because whatever the respectability of the man afterwards, he will be debarred from standing for election or being returned. After all, it is only an electoral disqualification that you are removing. If there are a thousand voters who are prepared to return such a man, who is the Government to say 'because you were convicted some years and years ago when you were very young or very small and in spite of my having reformed you, I have still little faith in your reformation'? I therefore think that this amendment should be accepted by this House."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I have great pleasure in supporting this amendment. All that this amendment says is that whatever effect the detention in a Borstal school might have as a conviction, it does not carry the effect of a conviction for the purpose of elections. Now, the period during which a young man was treated in the Borstal school was a period during which he was undergoing a process of reformation and seeing that during the whole period of his stay there ranging from two to five years he was undergoing a disciplinary influence at a school and being trained to some industry or given some other training, certainly there is no reason to believe that he might not have improved by the course of training he had, and there is absolutely no reason why the life he spent in such an institution, comparatively a long period of life, should not be regarded as a period in favour of him and not as a period against him; so that the period of detention in the Borstal school should not, I submit, be regarded as a discreditable feature against him."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, as there is a very strong feeling in this House, I should like to accept the amendment. But as it is not properly worded, I have requested the hon. the Advocate-General to move an amendment."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"On a point of order, Sir, I ask if an amendment in that form can now be moved."

* Mr. T. R. VENKATARAMA SASTRIYAR :—"It is merely a question of altering the language and not affecting the substance of the amendment."

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* The hon. the PRESIDENT :—" I think, to be on the safe side, we should take the form of words as presented to the Government of India."

The amendment was put and carried, and the clause was added to the Bill as a new clause No. 22.

* Rao Sahib R. SRINIVASAN then moved the following amendment :—

‘ Add the following as a new clause :—

“ 22. (1) *An adolescent person who is charged with an offence shall not, without the authority of the Local Government, be detained in any prison or police lock-up while awaiting trial unless there is no other accommodation available.*

(2) *Save as in this section is otherwise provided, every adolescent person charged with an offence shall, where his detention is necessary, be detained in some place generally or specially determined by the Local Government in consultation with the Inspector-General of Police, or shall be detained by a temporary custodian approved by the magistrate of the district in which the adolescent person is awaiting trial; provided that any police officer not below the rank of sub-inspector of police may, unless—*

(a) *the charge made be that of homicide or any other serious crime or offence; or*

(b) *in the opinion of that officer, it be necessary to detain the said person in order to remove him from the association of persons of bad character, or*

(c) *the ends of justice be likely to be defeated, release him from custody if his parent or guardian or any person will enter into recognizances, with or without sureties, for his appearance when required to answer the charge made against him ”.*

In doing so, he said :—" This Bill was brought in for the reformation of young men and women. If the training given in the Borstal school is not regarded as a training in any ordinary school, this Act may be as well called a Borstal Jail Act instead of calling it a Borstal Schools Act. If a young person commits an offence and has to be tried after he has been taken hold of by the police, put in the police lock-up and taken about the town to the police court exposed to the eyes of so many and undergone all sorts of such treatment accorded to criminals, even though if he is discharged by the court, some amount of public odium will be attached to him. It will be much worse in the case of a respectable young man or woman. Even among the poor people like the depressed classes, a young man walking along a field may take something of a crop and become liable to be punished as a young offender. Instead of subjecting the offenders to such a treatment by the police, what I suggest is that there must be a separate place appointed for keeping them, before conviction. If such a place could not be found, they may be taken into the jail. Then, again, if the police find that the offender is not likely to run away or may be trusted to remain with a certain custodian, he may be allowed to remain outside the jail or police

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custody. My object is simply not to expose these young men and women to the indignities of being taken hold of by the police and made to go to the court exposed to public gaze. Unless it is difficult for Government to find any other accommodation, such an arrangement may be made."

* Mr. J. A. SALDANHA :—" I second it."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, the principle contained in this amendment has already been voted against when my honble Friend Mr. Venkataramana Ayyangar moved to insert the words 'or in such other place' after the word 'prison' under clause 12. The position taken up by this House was that in order that these people may be under safe custody it is necessary that they should be detained in a prison and that it is very difficult to keep them in any place other than a prison. In the circumstances, I hope the amendment will not be pressed."

* Rao Sahib R. SRINIVASAN :—" Sir, if the police or the Government want to make such an arrangement, they can easily do it. Otherwise, there is no good of these young men being exposed to all sorts of treatment. It may be that some sort of charge may be brought against some young people on account of spite, and the poor people may have to undergo all those trials and indignities. There may be a respectable place where they may be taken charge of. So, I insist on this amendment being accepted."

The amendment was put and lost.

* Rao Sahib R. SRINIVASAN :—" Sir, I move to add the following as a new clause :—

'The magistrate of the district in which the school is situate, with the aid of the visitors board, shall endeavour to place every inmate of the Borstal school, when discharged, in some suitable place where he can earn his livelihood; in the case of a female shall discourage her leaving the Borstal school until a suitable place or protection has been found.'

"After training these young men or women in a Borstal school, it would not be fair simply to turn them out into the world, especially in the case of girls. It should be the bounden duty of somebody to direct these people, especially girls, to some suitable place where they can earn their livelihood. It may be that in the case of a young man his comrades may be watching him at the gate when he is released and get hold of him, and he may return to his old ways of crime. So it is necessary that somebody should find employment for them."

* Mr. J. A. SALDANHA :—" I beg to second the amendment. In doing so I wish to draw the attention of the House to the words 'shall endeavour' in the amendment. It does not say 'shall place'. The object of this amendment is that people who are discharged should be placed under the care of somebody. If the boy or girl is not willing to be so placed under anybody, the Government is not bound to provide for such people. So I support this amendment."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I beg to oppose this amendment. According to this Bill, it will be the duty of the Borstal Associations that are going to come into existence and of the Discharged Prisoners' Aid Societies already existing to do that work. It is not a duty to be cast on the District Magistrate under this Bill. So I think the amendment is unnecessary."

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*Diwan Bahadur M. KRISHNAN NAYAR :—“ It seems to me also, Sir, that there will be difficulty in giving effect to an amendment like this. All that it says is ‘ shall endeavour ’ to do something. A statutory provision that a particular authority shall endeavour to do something will lead us nowhere. It leads to the end of a blind alley. I see no useful purpose will be served by this amendment for the obvious reason that it is impossible to give effect to it. So I would request my hon. Friend to withdraw it.”

* Rao Sahib R. SRINIVASAN : “ I shall withdraw the amendment ”

The amendment was by leave withdrawn.

Clause 4.

* The hon. the PRESIDENT :—“ What about the amendment to be moved by the Advocate-General ?”

* Mr. T. R. VENKATARAMA SASTRIYAR :—“ I am not moving it. Sir, I understand that the Children’s Act will be extended to other places in the Presidency, and if the extension contemplated is carried out, it will become spent of its own accord. ”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ It is not for the whole Presidency that the Children’s Act is applicable. It is only in places where the Children’s Act is in force the provision may not be necessary. But there are other places where the Reformatory Schools Act is in force, which applies to people up to the age of 15. In that case, people between the age of 15 and 16 will be nowhere. So an amendment is absolutely necessary.”

* The hon. the PRESIDENT :—“ Yesterday the Government undertook to divide the rules into two sets of classes. I wonder if any amendment is ready to achieve that object.”

4-16 p.m. * Mr. S. SATYAMURTI :—“ Sir, before the Government moves their amendment there are some of us here who are rather for the original amendment of Mr. Ranganatha Mudaliyar that all rules shall be subjected to the affirmative sanction of the Legislative Council. I would suggest to you, Sir, that you may take a vote on that proposition, and if we are not fortunate enough to carry that motion, then the Government may move their amendment, and as an extreme measure we may have something instead of having nothing by carrying that amendment. As a compromise we may at least have some powers instead of having no powers.”

* Mr. T. R. VENKATARAMA SASTRIYAR :—“ So that I may not afterwards surprise my hon. Friend Mr. Satyamurti, I may tell him this: This amendment which was asked to be moved was in some measure agreed to—I do not say by all—by some as being an alternative for the original amendment. If the original amendment is pressed, the matter may have to be decided one way or the other, and it may be that I may not be able to move this amendment. I do not want it to be taken that I have impliedly given him an assurance that after a decision has been taken on that original amendment I shall be moving this amendment ”

* Mr. S. SATYAMURTI :—“ We are in this trouble, Sir. The Government are given an opportunity to move an amendment. After all the whole matter is entirely in your hands, and you have exercised your discretion in favour of the Government and one section of the House who have agreed to come to a compromise rather than have nothing. Now the Government

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[Mr. S. Satyamurti]

should not threaten us in this manner and it is but due to the dignity and privilege of the House. In fact the power of putting the amendment in any order is entirely in your hands and in view of the intransigent attitude of the Government I appeal to you to let the original amendment go first."

* Rao Bahadur T. A. RAMALINGA CHEITTYAR :— ' To meet the difficulties pointed out by the Advocate-General I would suggest that the Government motion may be made. Yesterday when we were discussing this matter some of us said that the matters about which rules may be made be divided into two portions; with reference to some of them it may be stated that the affirmative sanction of the House should be taken and with reference to some others such sanction may not be necessary. I see there are some who do not want to agree to that course. So if this amendment that all rules should only be placed before the House is moved that will have to take the chance in the voting and some of us may not be prepared to support it entirely. In any way if we know actually where we stand and if the Government will not keep to the undertaking that they will divide the rules into two sets one to be placed before the House for its affirmative sanction and another which need not be so placed, then we will be left to the extreme course, viz., to vote for the amendment of Mr. Ranganatha Mudaliyar; if, on the other hand, Government will stick to that arrangement we will be prepared to vote for it. It is therefore necessary that we should know where exactly we stand and that is why I would propose that the Government may tell us what their amendment is. And then you, Sir, may be pleased to put the two amendments separately if need be."

* The hon. the PRESIDENT :— " I think the Government may make their amendment."

* Mr. T. R. VENKATARAMA SASTRIYAR :— " This is how it stands, Sir. It will be agreed that rules under (a) and (c) will be laid on the table of the House for approval of the Legislative Council."

* Mr. S. SATYAMURTI :— " Now, Sir, the Advocate-General has agreed that affirmative sanction will be taken and he has said that rules under (a) and (c) will be so subjected. I would suggest that rules under (b) and (d) also do come under this category. Then it will be possible for me and the others to agree to this amendment without insisting on the original amendment being pressed. I hope the Government will accept my suggestion."

* Mr. J. A. SALDANHA :— " There are similar rules which will be made under certain other sections, for instance, under sections 10, 15, 17, etc. I want to know how these rules are going to be treated."

* The hon. the PRESIDENT :— " May I know, therefore if Government agree to the inclusion of (b) and (d) also ?"

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :— " No."

* Diwan Bahadur M. KRISHNAN NAYAR :— ' Sir, then my suggestion would be this. Of course the Government have accepted the amendment to subject the rules under (a) and (c) to the sanction of the Council. With reference to (d) the rules to be framed under that sub-clause would be with reference to ' the classification, treatment, maintenance ' ; all these that may refer to the diet, etc., we need not very much concern ourselves with. Next we have ' education, industrial training ' ; even these we may leave to the

[Mr. M. Krishnan Nayar] [17th December 1925]

Government. But with reference to the last item 'control of the inmates', that is a rather important subject. Because there is a provision in section 5 which says that

'Subject to any alterations . . . the Prisoners' Act, 1894, and the Prisoners' Act, 1900, and the rules framed thereunder shall apply in the case of every Borstal school established under this Act, as if it were a prison and the inmates prisoners'.

So that for all purposes those Acts will apply to these schools and the inmates will really be treated as real prisoners and it may happen that they may be whipped and so on. Therefore it seems to me to be a very important matter. I therefore suggest that the Government may include in their amendment 'rules relating to control of inmates' as well referred to in sub-clause (d). 'That seems desirable.'

* Mr. S. SATYAMURTI:—"In view of the attitude of Government, if I am in order, I would move for the inclusion of 'rules framed under sub-clauses (b) and (d)' also to the amendment moved by the hon. Advocate-General."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I think it is a very vital matter that clause (d) should be left out. I think we have agreed to the principle that such details of administration should not be included in the rules to be placed before the Council. I am sorry I cannot accept the amendment."

4-30 P.M. * Mr. C. V. VENKATARAMANA AYYANGAR:—"I am sorry, Sir, the hon. the Home Member has got out of his usual mood of conciliation and that when even Mr. Satyamurti has climbed down somewhat. We are anxious to include (b) also, the powers of official in dealing with the boys. But as a compromise we agreed to (d). As the hon. the Home Member himself will recognize, although we ought to congratulate ourselves on the introduction of this measure, there are things over which we will have to regret later on. After all, these rules come here once in a way, and when we deal with such important things as classification, treatment and such other things, the Legislative Council must know something about the rules. There is the very important subject of education; then above all, there is the industrial training. I suppose there will be some members who may be able to advise even the Inspector-General of Prisons. I do not want to say much because this has been referred to by Mr. Krishnan Nayar. So, I do not see why there should not be a compromise."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I want to add one word. As my Friend, Mr. C. V. Venkataramana Ayyangar said, and as we have also thought, this is a very beneficial and non-contentious measure to which the House is going to give its hearty approval, and many useful and beneficent provisions have already been introduced in it. But why should the Government fight about the inclusion of (d) also? I believe the Government is not going to lose anything. I hope the hon. the Home Member will see the wisdom and advisability of including the rules framed under (d) also in this amendment. With reference to the internal management, I may assure him that there will be no difficulty whatever. This and other things which are of a routine nature come under powers and duties. I would also appeal to my Friend Mr. Moir. For he it was that introduced this conciliatory suggestion."

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* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, in view of the strong feeling in the House and in view of the conciliatory attitude of this House to this measure, I have no objection to accept the suggestion." (Applause.)

Mr. A. Ranganatha Mudaliyar's amendment in regard to sub-clause (1) moved the previous day having been by leave withdrawn, the following amendment formally moved by Mr. T. R. Venkatarama Sastriyar and seconded by Rao Bahadur V. T. Krishnama Achariyar was then put to the House and carried :—

"For the existing sub-clause (3), *substitute* the following :—

- (3) *All rules made under this Act except those referred to in the sub-section following shall be published in the local official gazette and on such publication shall have effect as if enacted in this Act ;*
- (4) *Rules made under sub-section (2), clauses (a), (c) and (d) of this section shall not come into force until approved by a resolution of the Legislative Council with or without modification or amendment and on such approval the rules as approved shall be published in the local official gazette and on such publication shall have effect as if enacted in this Act."*

Clause 4 as amended was put, passed and added to the Bill.

The preamble was then put, passed and added to the Bill.

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I now move that the Bill as amended be passed into law, and I hope that it will be passed unanimously."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I second it. I want to say one word. As I said two minutes ago, this is a very useful and beneficial measure, and when it is placed on the statute book it will be a permanent memorial to the good intentions and beneficent activities of my Friend the Home Member, and I heartily congratulate him on my behalf and on behalf of my colleagues in all sections of the House on his having been able successfully to pilot this Bill through the House."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to join myself with my Friend in the congratulation. I want to add one thing. A great deal must depend on the way in which the rules are framed, and therefore I hope the hon. the Home Member will take some of the Members of this House into his confidence and to appoint a committee for framing the necessary rules."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I am very thankful to the House for the very kind congratulations offered to me. I may say to the House that when rules are framed I will appoint a committee if necessary and take their opinion on the rules before placing them before the House. I shall certainly do all I can to make the working of the Bill a success."

The motion that the Madras Borstal Schools Bill of 1925 as amended be passed into law was put and carried.

The House adjourned at 4-45 p.m. to meet again at 11 a.m. the next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

[17th December 1925]

APPENDIX J.

[Vide answer to question No. 1150 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 17th December 1925, page 378 supra.]

Statement showing the distribution of the sum of 126.02 lakhs being the remission in the Provincial contribution during 1925-26.

	LAKHS.
(1) Remission in the Provincial contribution for 1925-26 ...	126.02
(2) Amount applied to meet the deficit in the budget estimates for 1925-26.	96.44
(3) Amount applied to meet certain further demands which were postponed by the Legislative Council on 30th March 1925. (Details are given in Appendix A.)	2.19
Total ...	98.63
Surplus ...	27.39

Of this surplus, 27.32 lakhs were placed at the disposal of the hon. Ministers for expenditure on schemes relating to Transferred Departments as follows :—

	LAKHS.
Hon. the First Minister (for grants to local bodies) ...	15.00
„ the Second Minister (for educational schemes) ...	8.32
„ the Third Minister (for development schemes) ...	4.00
Total ...	27.32

The detailed distribution of this amount among the several departments and objects is given in Appendix B.

Appendix A.

Statement showing the distribution of the sum of 2.19 lakhs.

	RS.
(i) Met by supplementary grants voted by the Council in August 1925—	
(1) Augmenting the Forest Panchayat staff ...	12,000
(2) Abolition of the use of belchairs in the Alipuram Jail, Bellary.	75,000
(3) Grant to the Nilgiris District Board for a campaign against relapsing fever.	7,500
(4) Construction of quarters for the new Military Secretary to His Excellency the Governor.	40,000

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	RS.
(ii) Authorized by His Excellency the Governor—	
(1) Irrigation works	1,45,000
(2) Investigation of hydro-electric schemes	39,800
	<hr/>
	3,18,800
Deduct savings due to the abandonment of the scheme for providing a tuberculosis jail at Bellary.	1,00,000
	<hr/>
Total ...	2,18,800
	or
	2.19 lakhs

Appendix B

Statement showing the distribution of 27.32 lakhs for
Transferred Departments.

I. LOCAL SELF-GOVERNMENT DEPARTMENT.

Grants to local bodies.

(i) Met by supplementary grants voted by the Council in August 1925—	
(1) Rural water-supply	6,25,000
(2) Village roads	6,25,000
(3) Special grants for second-class roads	1,86,030
(4) Grants for trunk roads entering Madras	16,000
(5) Grants for trunk roads	34,000
(6) Improvements to kitchen and construction of latrines for out-patients in the Government Ophthalmic Hospital, Madras.	12,370
	<hr/>
Total ...	14,98,400
(ii) Amount available for other schemes—	
(7) Schemes under consideration	1,600
	<hr/>
Grand total of I ...	15,00,000

II. LAW (EDUCATION) DEPARTMENT.

(i) Met by supplementary grants voted by the Council in August 1925—	
(1) Raising of the Victoria College, Palghat, to the first grade (including the amount authorized by His Excellency the Governor, Rs. 4,400).	10,700
(2) Opening of 452 new schools in the areas of local bodies levying the education tax.	1,10,288

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II. LAW (EDUCATION) DEPARTMENT—*cont.*(i) Met by supplementary grants voted by the Council in August 1925—*cont.*

	RS.
(3) Enhancement of the rates of teaching grants to existing aided elementary schools.	4,80,000
(4) Opening of 191 new elementary schools through private educational agencies in the areas of taluk boards not levying the education tax.	28,302
(5) Opening of 287 new elementary schools through private agencies in the areas of taluk boards levying the education tax.	35,014
(6) Subsidies to local bodies for the construction of elementary school buildings.	27,740
(7) Grant to the Madras University for the travelling expenses of members.	20,000
(8) Grant to the Madras University for the purchase of books for the University Library.	13,000
(9) Transfer of 8 posts from the Secondary Educational Service to the Madras Educational Service.	1,200
(10) Substitution of a post of Assistant Lecturer in Physics in the Secondary Educational Service for the temporary post of tutor in the Oded Districts College, Anantapur.	250
(11) Institution of a project course in the College of Engineering, Guindy.	3,200
(12) Opening of a secondary training class in the Higher Elementary Training school, Chicacole.	3,600
(13) Appointment of a District Educational Officer and establishment consequent on the bifurcation of the Kistna district.	4,500
(14) Creation of a post of Personal Assistant to the Principal in the Law College, Madras.	2,400
(15) Government Training school, Chicacole—admission of an additional batch of 40 students of the higher elementary grade.	4,610
(16) Opening of a secondary training class attached to the Aided Secondary school, Srirangam.	4,800
(17) Grants to village panchayats for the maintenance of libraries.	8,000
(18) Purchase of tents for the use of students of the Engineering College undergoing training in project course	8,260

Total ...	7,10,864
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(ii) Amount available for other schemes—

(19) Andhra University scheme and other schemes under consideration.	1,21,136
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Grand total of II ...	8,32,000
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RS.

III. DEVELOPMENT DEPARTMENT.

(i) Met by supplementary grants voted by the Council in August 1925—

(a) *Agriculture.*

(1) Kistna paddy-breeding station	...	...	...	28,200
(2) Additional demonstrators	...	...	...	7,600
(3) Live-stock section and milk supply experiments	...	...	...	22,800
(4) Opening of an agricultural middle school at Kala-hasti.	...	...	...	6,500
(5) Malabar paddy-breeding station	...	...	...	81,000
(6) Ice plant installation at the Agricultural College dairy.	...	...	...	4,325
(7) Purchase of a boiler for the use of the dairy at Coimbatore.	...	...	...	2,000
(8) Additional establishment for the Cotton Specialist's section.	...	...	...	1,340
(9) Training of an upper subordinate in animal husbandry.	...	...	...	245
Total				1,54,020

(b) *Veterinary.*

(1) Compounders for Veterinary hospitals at Ootacamund, Amalapuram and Mangalore.	600
(2) Opening of dispensaries at Kavali, Conjeeveram and Kodur.	5,148
(3) Three new touring billets at Podilli, Pollachi and Pithapuram.	3,187
Total	8,935

(c) *Co-operation.*

(1) Subsidies to Provincial Co-operative unions	...	...	...	2,000
(2) Additional Inspectors for the Labour department	...	...	...	2,340
(3) Additional staff for work in the flood-affected areas in Tanjore and Trichinopoly districts.	...	...	...	5,845
Total				10,185

(d) *Industries.*

(1) Additional building and equipment grants to aided industrial schools.	49,900
(2) Printing classes in the Madras Trades school	8,500
(3) Silk filature demonstrator	240
(4) Purchase of power drills and other Europe stores	1,05,000
(5) Payment of bonus to stamping establishment	1,300
Total	1,64,940

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III. DEVELOPMENT DEPARTMENT—*cont.*(e) *Fisheries.*

	RS.
(1) Additional allotment for pearl fishery	10,200
(2) Purchase of a trawler for conducting fishing experiments ...	34,100
Total ...	44,300
Total of (i) ...	3,82,380
(ii) Amount available for other schemes— Schemes under consideration in the Development Department.	17,620
Grand total of III ...	4,00,000
Grand total of I, II and III ...	27,32,000

APPENDIX II

[Vide item V, Communications to the Council at page 396 supra.]

G.O. No. 1655, Development, dated 18th November 1925

READ—the following papers :—

I

Letter from H. TIREMAN, Esq., C.I.E., Chief Conservator of Forests, to the Secretary to Government, Development Department (through the Accountant-General), dated Madras, the 24th September 1925, Ref. No. 6055.

I submit herewith a copy of Messrs. Fraser & Ross' report and accounts relating to the Russellkonda Saw Mill for the quarter ending 30th June 1925.

ENCLOSURE

RUSSELLKONDA SAW MILL.

Report on the accounts for the quarter ending 30th June 1925.

1. *Balance sheet—Fixed capital expenditure.*—No remarks are necessary in respect of the small additions made during the quarter.

2. *Stores and spare gear, Rs. 12,329-3-9.*—This represents the value of book stock on the 30th June 1925 at cost.

The account has been debited with Rs. 1,961-9-0 being the cost of saws purchased in April 1925 to the value of \$ 675.93 from Messrs. Simonds

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Saw & Steel Co., New York; in May 1925 saws received from the same suppliers per "City of Venice" in October 1924 costing \$ 672.12 were returned to the credit of stores and spare gear account.

3. *Stock*.—The stock of cut timber was valued at the rates adopted for the valuation of stock on 31st March 1925. The logs were valued at 4 annas per cubic foot.

4. *Capital*.—Rs. 4,51,868-6-7.—The personal account was credited in June 1925 with Rs. 6,059-5-3 being the recoupment of loss for the year 1923-24. This amount has been credited to Capital account as the loss was debited to Capital account as at 31st March 1925.

5. *Provision for expenses—Audit fees*.—Rs. 1,444-5-0.—This is made up as under :—

	RS.	A.	P.
Audit fees and provision for expenses for the			
fourth quarter 1924-25	744	5	0
For the first quarter 1925-26	700	0	0

6. *Profit and Loss account*.—In April 1925, 685 logs measuring 9,893 c.ft. were received from the Forest Department. The mill worked for 21 days (in April) in the quarter and 695 logs measuring 10,047 c.ft. were sawn. The production of cut timber from 695 logs was 3,435.05 c.ft., the wastage in sawing being 65.83 per cent.

The loss on conversion for the corresponding period 1924-25 was 58.30 per cent.

The loss on working for the quarter was Rs. 3,085-14-9 as against a profit of Rs. 4,829-11-7 for the corresponding period in the previous year after adjusting interest on capital charged in the previous accounts.

The sales for the quarter were 10,042.93 c.ft. realizing Rs. 27,845-8-6 (an average of Rs. 2-12-4 per cubic foot), the figures for the corresponding quarter 1924-25 being 15,704.76 c.ft. realizing Rs. 49,218-10-1 (average price of Rs. 3-2-1.727 per cubic foot).

7. The mill has been temporarily closed owing to accumulation of stock but overhead expenses continue inclusive of depreciation on fixed capital expenditure.

8. Subject to the foregoing we certify that we have obtained all the information and explanations we have required and that the balance sheet signed by us as relative hereto, in our opinion, exhibits a true and correct view of the state of the affairs of the Russellkonda Saw Mill, according to the best of our information and the explanations given to us and as shown by the books of the mill.

FRASER & ROSS,
Chartered Accountants,

Commercial Accountants and Auditors to the Govt. of Madras.

MADRAS,

26th August 1925.

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Less Depreciation— As per last balance sheet.	906 4 8			
For the quarter ..	78 9 0	984 13 8	5,308 11 6	
			<u>3,45,226 13 5</u>	
			13,461 1 4	
Motor and other vehicles	..	..
Stores and spare gear—				
Machinery spare parts	..	5,502 4 11		
Tools and stores in stock ..	..	6,726 14 10		
Tools in use ..	..	100 0 0		
Stock—			12,329 3 9	
39,164·48 c.ft. cut timber ..	..	50,531 7 7		
150·00 " in log ..	..	37 8 0		
Sundry debtors—			50,568 15 7	
Considered good ..	..	..
Advances—			9,308 11 8	
Unexpired insurance premium.	..	..	2,801 0 0	
Cash and other balances—				
Cash with treasury ..	..	57,189 2 6		
In hand ..	..	113 1 1		
Profit and Loss account—			57,302 3 7	
Loss for the quarter as per Profit and Loss account.	..	3,085 14 9		
Less Balance at credit on 31st March 1925.	..	1,894 12 4		
			1,191 2 5	
			<u>4,92,189 3 9</u>	

Examined and found correct subject to our report of even date.

FRASER & ROSS,

Chartered Accountants,

Commercial Accountants and Auditors to the Govt. of Madras.

MADRAS,
26th August 1925.

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(ii)
Profit and Loss Account for the quarter ending 30th June 1925.

	Rs.	A. P.	Rs.	A. P.
To Stock—				
45,865.52 c.ft. timber	59,081	14 8
" Purchases—				
9,893 c.ft. logs at 4 annas per c.ft.	..	2,473	4	0
304 c.ft. logs at 4 annas per c.ft.	..	76	0	0
10,197 c.ft.	2,649	4	0
Loss—150 c.ft. logs uncut	..	37	8	0
10,047 c.ft. logs worked	..	2,511	12	0
" Cart-hire on logs	..	285	5	7
" Machinery running costs	..	1,306	9	1
" Mill establishment	..	3,841	2	10
" Boiler fuel	..	69	0	0
" Upkeep and maintenance of machinery	..	45	9	0
Cost of 3,435.05 c.ft. of sawn timber at Rs. 2-5-6 per c.ft.	..	8,059	6	6
6,611.95 c.ft. loss on conversion.				
10,047 c.ft.				
Cart-hire and loading charges	..	155	6	8
Cart-hire to Berhampur	..	2,460	1	11
Charges, Calcutta (rent)	..	189	0	0
Berhampur Depot expenses	..	1,017	10	6
Managing Agents fees	..	1,050	0	0
Office establishment	..	3,461	6	8
Stationery	..	176	4	0
Postage and telegrams	..	89	0	0
Travelling expenses	..	51	0	5
General expenses	..	31	12	9
Commission on sales	..	1,523	13	3
Repairs to buildings	..	100	4	8
Motor-car expenses	..	210	8	7
Audit fees and expenses	..	744	5	0
Travelling salesman	..	62	14	3
By Sales—				
Rejections and firewood	..	3,186	10	8
10,042.93 c.ft. timber at Rs. 2-12-4 per c.ft.	..	27,845	8	6
93.16 c.ft.—Loss on recutting.				
Stock—				
29,534.73 c.ft. at the mills at Rs. 1-2-10 per c.ft.		34,764	13	5
8,111.74 c.ft. at Berhampur at Rs. 1-8-10 per c.ft.		12,590	1	6
1,093.95 c.ft. at Calcutta at Rs. 2-4-10 per c.ft.		2,518	5	10
424.06 c.ft. at Vizagapatam at Rs. 1-8-10 per c.ft.		658	2	10
Net loss for the quarter carried to balance sheet.		50,531	7	7
		3,085	14	9

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Insurance premium	736	12	0
Medical fees and medicines	10	0	0
Depreciation—				
Buildings ..	..	922	4	3
Machinery ..	..	3,216	8	3
Furniture ..	..	78	9	0
Motor-car, etc. ..	..	1,039	9	9
Tram line ..	..	200	0	0
		5,456	15	3
		84,649	9	1

N.B.—Interest has not been debited in the accounts—

- (1) Interest on the capital of Rs. 4,45,809 for the quarter at 5 per cent per annum is Rs. 5,672-9-9.
 (2) Interest on the average capital of Rs. 4,48,838 for the quarter at 5 per cent per annum is Rs. 5,610-7-3.

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II

*Endorsement of the Accountant-General, No. H.A. Comml.
12-1082, dated 28th October 1925.*

Forwarded.

2. The amount chargeable to the concern on account of audit fee (including travelling allowance and out-of-pocket expenses) for the quarter ending 30th June 1925 is Rs. 719-10-0 as against Rs. 700 provided therefor in the balance sheet. The Commercial Auditors have been advised to adjust the difference in the accounts of the next quarter.

3. The profits of the concern for the year 1924-25, viz., Rs. 1,894-12-4, have been adjusted in the accounts of this office for September 1925 by debiting the personal ledger account of the concern and crediting "VIII. Forests—Profits from Government commercial undertakings—Russellkonda Saw Mills." The Commercial Auditors may be asked to make the necessary alterations in the balance sheet of the next quarter.

4. The average selling price which worked out to Rs. 3-0-2 per public foot in 1924-25 and to Rs. 2-13-3 in the last quarter of that year has gone down to Rs. 2-12-4 in the quarter under report. It seems desirable to ascertain the reasons for this fall in price.

5. I am in touch with Messrs. Fraser & Ross regarding the correct accounting of small items of addition to block and if necessary I shall address Government subsequently in this matter.

J. C. NIXON,
Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 1655, Development, dated 18th November 1925.

Recorded.

2. *Paragraph 3 of Accountant-General's endorsement.*—The Commercial Auditors are requested to make the necessary alterations in the balance sheet of the concern as at 30th September 1925.

3. *Paragraph 4 of Accountant-General's endorsement.*—The attention of the Chief Conservator is drawn to the remarks of the Accountant-General and he is requested to report the reasons for the fall in the average selling price.

(By order of the Governor in Council)

V. PANDRANG ROW,
Secretary to Government.

To the Chief Conservator.

„ the Accountant-General.

„ the Finance Department.

„ Messrs. Fraser & Ross.

„ the Auditor General (with C.L.).

„ the Secretary, Legislative Council (for placing the Government Order on the Council table).

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APPENDIX III.

[Vide item V. Communications to the Council at page 396 supra.]

LOCAL SELF-GOVERNMENT DEPARTMENT.

Note for communication to members of the Legislative Council.

[*Subject.*—Medical College, Vizagapatam—Appointment of a Professor of Chemistry and an Assistant Professor of Physiology.]

The Medical College, Vizagapatam, was opened in July 1923. It has been affiliated to the Madras University for the *first* M.B., B.S. and L.M.S. courses on the recommendation of a commission of enquiry appointed by the University for the purpose. A similar commission was appointed by the University in December 1924 to report on the question of the affiliation of the College for the *Second* M.B., B.S. and L.M.S. courses. This commission found that there was room for considerable improvement in the teaching of physiology and chemistry, and it consequently recommended only provisional affiliation, such affiliation to be subject to revision on the report of the next commission. The Syndicate accepted this recommendation and granted only conditional affiliation to the college for one year, and stated that this affiliation would be withdrawn unless improvements were carried out on the lines suggested by the commission.

2. The commission considered that the teaching of chemistry was defective as the teacher was neither a medical man nor a bio-chemist, and as he probably did not even himself appreciate how essential a good knowledge of chemistry was in the foundations of a medical education. The commission was of the opinion that the teaching of chemistry if properly attended to would give more than sufficient work to a whole-time professor, and the commissioners accordingly recommended that the status of the teacher should be raised, the existing post of lecturer being abolished and a professor of chemistry being appointed in his place. They also suggested that the officer appointed for the work should preferably be a medical man, and that he might, if suitable, also teach bio-chemistry. In regard to physiology, the commissioners considered that the proper teaching of this subject was hampered by the fact that there was no permanent assistant professor. A demonstrator is appointed for nine months every year, but has himself to be instructed each year in the highly technical methods necessary for efficient tuition. The commissioners were of opinion that under such an arrangement

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it was not possible to obtain the best results. To remedy the defects pointed out by the commission and to give effect to its recommendations, it is considered necessary

(1) to replace the existing non-medical lecturer in chemistry (pay Rs. 125—250) by a medical graduate ranking as a professor (pay Rs. 500—900 *plus* teaching allowance Rs. 150); and

(2) to appoint a permanent assistant professor of physiology (pay Rs. 200—450 *plus* teaching allowance Rs. 75) in place of the temporary demonstrator on Rs. 75 a month. The proposals involve an ultimate extra expenditure of Rs. 14,200 a year. The suggestion thrown out by the commission that the professor of chemistry might, if suitable, also teach bio-chemistry cannot be given effect to at Vizagapatam, as there is no officer qualified to teach both subjects. Apart from this the commissioners themselves admitted that, if chemistry was to be taught properly at the college, a whole-time professor was really required for the purpose.

3. It is essential to maintain the standard of education in the college at the level required to secure its affiliation to the University which affiliation has now been granted only conditionally for one year for the Second M.B., B.S. and L.M.S. courses. The proposed changes in the staff must therefore be given effect to as early as possible. The next University Commission will probably visit Vizagapatam in February or March 1926 to report on the question of continuing the affiliation. It is very necessary therefore that the appointments of professor of chemistry and assistant professor of physiology should be given effect to in January 1926, so that by the time the next commission inspects the college the commissioners may see that the recommendations made by the previous commission in December 1924 have not been ignored. A mere promise that effect will be given in July 1926 to the recommendations made in December 1924 will satisfy neither the commissioners nor the Syndicate. What they will wish to see is actual evidence that the Government are maintaining and intend to maintain this college on the standard required.

4. For the reasons stated above, the Government have sanctioned the creation of the two appointments with effect from the 4th January 1926. The expenditure involved in the current year will be met by reappropriation.

C. B. COTTERELL—3-12-25.

17th December 1925]

APPENDIX IV.

[Vide item V. Communications to the Council at page 397 supra.]

G.O. No. 488, Law (Legislative), dated 2nd December 1925.

During the budget discussions in the Legislative Council in March 1925, the Government gave an undertaking that they would consider the question of granting an allowance to the non-official members of the Legislative Council resident in the Madras City. The Government are now pleased, after examining the question, to sanction with effect from the date of this order a daily allowance of Rs. 10 each to the non-official members of the Legislative Council resident in Madras for attendance at the meetings of the Legislative Council and the meetings of Committees on which they are members in their capacity as M L Cs.

2. The expenditure on the above account will be met from the supplementary grant of Rs 10,000 voted by the Legislative Council on the 7th November 1925 under Grant IX 'General Administration—Reserved'—vide G.O. No. 883, Finance, dated the 9th November 1925.

(By order of His Excellency the Governor)

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Secretary, Legislative Council (to be placed on the Council table).

„ Accountant-General.

„ Finance Department.

Copy to other Departments of the Secretariat.

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 18th December 1925.

The House met at 11 o'clock, Mr. President (the hon. Mr. M. RUTHNASWAMY, M.A., Bar.-at-Law) in the chair.

P R E S E N T

- | | |
|--|---|
| <p>Ramaswami Ayyar, E.C.I.E., The hon Sir C. P.
 Marjoribanks, C.S.I., C.I.E., The hon Mr N. E.
 Usman Sahib Bahadur, The hon Khan Bahadur Muhammad.
 Moir, C.S.I., C.I.E., The hon Mr T. E.
 Raja of Panagal, The hon the.
 Patro, Kt., The hon. Rao Bahadur Sir A. P.
 Sivagnanam Pillai, The hon Diwan Bahadur T. N.
 Abdul Hye Sahib Bahadur
 Abdul Wahab Sahib, Mr. M.
 Abdulla Ghatla Sahib Bahadur
 Adinarayana Chettiyar, Mr. T.
 Anjaneyulu, Mr. P.
 Appavu Chettiyar, Mr. D.
 Ari Gowder, Mr. H. B.
 Arpudaswami Udayar, Mr. S.
 Arumuga Nadai, Mr. P. K. S. A.
 Biswanath Das Mahasayo, Srinin Boag, Mr. G. T.
 Chidambara Nader, Mr. A.
 Davis, Mr. J. A.
 Devendrudu, Mr. N.
 Ellappa Chettiyar, Rao Sahib S.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Gangaraju, Mr. M.
 Ghouse Mian Sahib, Mr. Muhammad
 Gopala Menon, Mr. C.
 Gopalan, Rao Sahib P. V.
 Guruswami, Mr. L. C.
 Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-la.
 Heggade, Mr. D. Manjappa
 Kesava Pillai, C.I.E., Diwan Bahadur P.
 Khadir Mohidin Hyas Khan Sahib Bahadur.
 Koti Reddi, Mr. K.
 Krishnan Nayar, Diwan Bahadur M.
 Krishna Rao Pantulu, Rao Bahadur A. S.
 Krishnaswami Nayudu, Rao Bahadur K.
 Kuppuswami, Mr. J.
 Legb, C.I.E., Mr. E. W.
 Madanagopal Nayudu, Mr. R.
 Madhava Raja, Mr. V.
 Madurai, Honorary Lieutenant.
 Mallesappa, Mr. T.
 Marthandam Pillai, Mr. P. N.
 Maruthesvanam Pillai, Mr. C.
 Moidu Sahib Mr T. M.
 Muhammad Sahib Bahadur, T. N.
 Munuswami Nayudu, Mr. B.
 Murugappa Chettiyar, Rao Bahadur A. M.
 Muttayya Mudaliyar, Mr. C.</p> | <p>Muttayya Mudaliyar, Mr. S.
 Narasimha Raju, Rao Bahadur C. V. S.
 Narayanan Nambudiripad, Rao Bahadur O. M.
 Narayanaswami Pillai, Mr. T. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Obalesappa, Mr. B.
 Pandrang Row, Mr. V.
 Pantulu Ayyar, Mr. V.
 Peddiraju, Mr. P.
 Ponnuswami Nayudu, Mr. C.
 Ponnuswami Pillai, Mr. K. S.
 Prabbakaran Tampin, Mr. K.
 Raghubhendra Ballal, Mr. K.
 Raja, Rao Bahadur M. C.
 Raja of Ramnad.
 Rajan, Mr. P. T.
 Rajappa, Mr. P. S.
 Ramachandra Reddi, Mr. B.
 Raman, Rao Bahadur P.
 Ramachari, Rao Sahib K. V.
 Ramalinga Chettiyar, Rao Bahadur T. A.
 Ramalinga Reddi, Mr. C.
 Ramaswami Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. A.
 Ross, Mr. T. M.
 Sagaram, Mr. P.
 Saldanha, Mr. J. A.
 Samuel, Mr. J. D.
 Sarabha Reddi, Mr. K.
 Sarvarayudu, Mr. K.
 Sasibhushan Rath Mahasayo, Srinin.
 Satyamurti, Mr. S.
 Sesha Reddi, Mr. B. P.
 Seturatnam Ayyar, Mr. M. R.
 Sitarama Reddi, Mr. K.
 Sitayya, Mr. M.
 Srinivasa Ayyangar, Mr. R.
 Srinivasan, Rao Sahib R.
 Subbarayan, Dr. P.
 Sundaramurti, Rao Sahib P. V. S.
 Tanikachala Chettiyar, Rao Bahadur O.
 Uppti Sahib Bahadur, K.
 Veerian, Mr. R.
 Vellingui Gounder, Mr. V. C.
 Venkatachalam Chettiyar, Mr. S.
 Venkatachala Padayachi, Mr. K.
 Venkatapatirazu, Mr. P. C.
 Venkataramana Ayyangar, Mr. C. V.
 Venkatarama Sastryar, Mr. T. R.
 Windle, Capt. E. G.
 Wood, Mr. C. E.
 Zamindar of Kallikote.</p> |
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[18th December 1925]

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15 on the 4th December 1924—

1. Starred questions to be put at a meeting of the Council with their answers shall be printed and placed on the Council table an hour before the President takes his seat.

The Secretary shall call out the name of each interpellator in the order in which the names are printed, specify the serial number of his question and make a sufficient pause to give him or any other member a reasonable opportunity of rising in his place and putting a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.

2. If a member responsible for a starred question happens to be absent when it is called, it will be open either to him or to any other member to put supplemental questions thereon after the other starred questions for the day have been answered, provided question-time is not thereby exceeded.

3. Questions, not starred, will not be called in Council, but they will be printed with their answers and placed on the table of the House along with the list of starred questions. Oral supplementary questions will not be allowed in regard to unstarred questions.]

STARRED QUESTIONS

Criminal Justice.

Prohibition of the hoisting of the Khilafat flag during municipal elections in Bellary.

*1169 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) whether Government are aware that a sub-magistrate of Bellary passed an order under section 144, Criminal Procedure Code, prohibiting the hoisting of the Khilafat flag at the recent municipal elections in Bellary;

(b) whether there was an appeal against the order or application for its revision to the District Magistrate and what order was passed by him;

(c) whether the District Magistrate censured the action of the sub-magistrate; and

(d) what action the Government have taken or propose to take on the matter?

A.—(a) The sub-magistrate prohibited the hoisting of any flag which had a political significance at the polling booth because he considered that the hoisting of such a flag there was likely to cause a breach of the peace.

(b) Yes; the District Magistrate dismissed the revision petition as the order sought to be revised had long ceased to be in force.

(c) The District Magistrate informed the sub-magistrate that he considered his action unwarranted.

(d) None.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (a) of this question, may I ask the hon the Law Member to be good enough to say, if he is responsible for that phraseology, what is meant by saying that any flag has a political significance?"

The hon. Sir O. P. RAMASWAMI AYYAR:—"I am quoting the order. The sub-magistrate apparently thought that the flag was a Khilafat flag and had a political significance and that their use might lead to a breach of the peace."

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Mr. S. SATYAMURTI :—" May I ask if it is the opinion of the Government that flags having political significance when used would result in a breach of the peace, and if so, has not the Union Jack a political significance and do they not think that its use would lead to a breach of the peace? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It depends on the circumstances. The Government do not think that the use of any flag has either a political significance necessarily or is likely by itself to lead to a breach of the peace."

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Law Member whether he does not think that the polling booth is peculiarly the place where political flags have to be used as the hoisting of flags was one of the ways of canvassing votes, and is there any justification for preventing political flags being hoisted in polling booths? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It is a perfectly legitimate observation made by the hon. Member for Chittoor."

Mr. S. SATYAMURTI :—" In view of the hon. the Law Member's answer to my question with which I respectfully agree, and in view of the fact stated in answer to clause (c) of this question, viz., that the District Magistrate informed the sub-magistrate that he considered his action unwarranted, may I know the reason why the Government do not propose to tell this sub-magistrate that he is a silly man and that he ought not to make such a fuss hereafter? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Apart from the exact terminology that has been used by my hon. Friend, I think from the answer to clause (c) the hon. Member for the University may infer that when a magistrate's action is taken to be unwarranted it means that it is not approved."

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Law Member whether he does not consider it desirable to issue a general instruction based upon this incident so that such things may not occur? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The Government hope that there would be no necessity to issue such general instructions because certain things are self-evident."

Entering of Ezhuva converts to Arya Samaj into the streets of Kalpathi.

* 1170 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the order under section 144, Criminal Procedure Code, on the Ezhuva converts to Arya Samaj prohibiting them from entering Kalpathi was passed by the local magisterial authorities not of their own accord but under pressure from the Government of Madras and, if so, the reasons why the Government interfered ; and

(b) if not, whether any correspondence passed between the Madras Government and the local magistrate on this matter and if so, whether the Government will place the correspondence on the table of the House?

A.—(a) No.

(b) The Government corresponded with the District Magistrate concerning the situation in Palghat. The correspondence was confidential and the Government are not prepared to place it on the table of the House.

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Mr. S. SATYAMURTI :—" I am speaking, subject to correction, but I remember that on the last occasion you, Sir, permitted the hon. the Law Member to make a statement on this matter, when my hon. Friend Mr. Krishnan Nayar's adjournment motion was disallowed. I believe the hon. the Law Member then read from a letter of the Government to the District Magistrate. May I ask him, therefore, Sir, if he will be good enough to place that letter or at least portions of it which are not confidential on the table of the House ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" It will be remembered that this question was sent in on the 23rd November and this answer was given on the 14th December. I have read to the Council portions of the letter which are not confidential. We are not prepared to place the letters from the Collector on the table of the House."

Mr. C. RAMALINGA REDDI :—" May I enquire whether there is any truth in the statement made in the press and elsewhere that the District Magistrate himself was of opinion that there was no need to take this action under the section ? Was he of that opinion at any time ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" At one time, apparently."

Mr. C. RAMALINGA REDDI :—" Is it apparently or is it evident, from his despatches ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I am not prepared to answer that."

Sriman SASIBHUSHAN RATH Mahasayo :—" The answer to clause (b) refers to the correspondence with the District Magistrate concerning the situation in Palghat. May I know if the District Magistrate sought the advice of the Government in the matter ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" Yes, Sir."

Sriman SASIBHUSHAN RATH Mahasayo :—" Was the correspondence initiated by the District Magistrate or by the Government ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The correspondence began a long while ago. There was continuous correspondence which began some time before this incident and I am not prepared to give the answer."

Sriman SASIBHUSHAN RATH Mahasayo :—" May I ask the hon. the Law Member whether the Collector sought the advice of the Government in the matter or the Government issued an order and wanted to enforce certain things there ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" I have stated, Sir, that the Collector sought the advice of the Government in the matter. I do not think it is in the public interest to say more."

Mr. C. RAMALINGA REDDI :—" I can understand the whole correspondence being treated confidential. If parts are to be treated as confidential and parts non-confidential, the further question arises namely, since, it has been admitted that the Magistrate at one time was of opinion that action under this section was unnecessary, whether the Government overruled the advice of the District Magistrate in this matter."

The hon. Sir C. P. RAMASWAMI AYYAR :—" No, Sir. I have already said so."

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Irrigation

Extension of Vallur Bank canal in Kistna district.

* 1171 Q.—Mr. S. R. Y. ANKINIDU PRASAD: Will the hon. the Law Member be pleased to state—with reference to his answer given to Question No. 737 (3) put on 13th October 1924 regarding the extension of the Vallur Bank canal after the higher shutters over the Kistna anicut were installed—

(a) whether there is any proposal to extend the said Vallur Bank canal;

(b) whether it is a fact that the Executive Engineer and the Sub-Divisional Officer of the Eastern delta, Kistna river, recently inspected the said canal with a view to submit proposals for its extension as far as Pedakallepalli;

(c) if so what further development their proposals have reached;

(d) what sort of proposals have been submitted;

(e) whether the proposals include the extension of the flood bank beyond Pedakallepalli as far as Vadapalam in the taluk of Divi, Kistna district; and

(f) whether any estimates for the extension of the above said canal have been placed before him for inclusion in the budget estimate for this year?

A.—(a) There is no such proposal yet before Government and the higher shutters have only just been installed, and it is too early to judge their effect.

(b) to (e) The Government have no information.

(f) No provision has been proposed in the estimates received by Government.

Mr. P. ANJANEYULU :—“ May I ask, with reference to clause (a) of this question whether it is not a fact that if the Vallur Bank canal is extended, much acreage could be brought under wet cultivation with very promising return, Sir ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ A statement to that effect has been made by Mr. Ankinedu Prasad in a letter addressed to the Government.”

Mr. P. ANJANEYULU .—“ Will the Government be pleased to investigate the matter ? ”

The hon. Sir C. P. RAMASWAMI AYYAR .—“ As the answer to clause (a) says there is no such proposal before the Government, but having regard to the letter of Mr. Ankinedu Prasad, I have no doubt that engineers will consider that aspect of the matter.”

Repairs to the flood breaches in Tinnevely district.

* 1172 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether any special arrangements are being made for preparing estimates and executing the work of repairs to breaches caused by the recent floods in the Tinnevely district, as speedily as possible;

(b) the possible time within which even approximately, the Government expect the works to be done; and

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(c) whether the Government contemplate the necessity or desirability of appointing any special staff for the speedy execution of the work?

- A.—(a) Instructions have been issued that the breaches should be repaired with all possible speed.
 (b) The Government cannot say.
 (c) The Superintending Engineer has posted two supervisors and overseer. Further report is awaited.

Mr. P. N. MARTHANDAM PILLAI :—“ May I know the extent of the damage caused and the amount the Government propose to spend on it ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ It is reported that 23 breaches in the Marudur Kilakal and 8 breaches in the North Main channel have occurred and that the cost of closing the breaches will approximately be Rs. 6,500 for the Marudur Kilakal and Rs. 84,000 for the North Main channel including the formation of new banks. The total cost of repairing the damages to irrigation works in the whole tract affected is estimated at Rs. 3,12,750, of which works to the extent of Rs. 1,25,000 are proposed to be carried out in the current year.

“ The Executive Engineer has reported that a sum of Rs. 63,000 would be required for expenditure this year in carrying out emergent works required to conserve water in the Thambraparni for the successful harvest of the *pisannam* crop. He has already intimated to the Accountant-General that expenditure to this extent will be incurred in anticipation of sanction to estimates and allotment of funds. A portion of the grant required is proposed to be met by re-appropriation from the grant at the disposal of the Superintending Engineer and an application for the balance of the additional grant required will be made to Government. The Government will have to arrange to allot funds for all urgent works to be carried out immediately this year.”

The RAJA OF RAMNAD :—“ May I ask the hon. the Leader of the House why when there has been such a great devastation by floods in the district not one single Member of Government has been to the locality, not even the hon. the Minister for Development who hails from that district ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I take it that that question, is, in the language of the law, joint and several. I cannot speak for my hon. Colleagues. But, speaking for myself I propose to go to that locality some time after the work of this Council is over.”

The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—“ It was my intention to go but after reading the report of the Collector of Tinnevely I found that there was no necessity to do so ”

Flood-damaged areas in Kistna and Godavari deltas.

* 1173 Q.—Mr. M. SITAYYA : Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state the areas in the Kistna and the Godavari deltas where serious damage has been caused by submersion due to the heavy floods?

A.—Serious damage caused by submersion due to heavy floods has not been reported from any area.

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Mr. C. RAMALINGA REDDI :—" I know that in the answer it is stated that no serious damage has been caused or has been reported. So if *any* damage has been caused at all, do the Government propose to take the necessary relief measures ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" The question was whether any serious damage was caused by submersion. That has not been reported to us. But if any other damage is reported to us, we will take the necessary steps."

Mr. C. RAMALINGA REDDI :—" Has no damage been reported at all to the Government by the district authorities ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" By submersion."

Mr. C. RAMALINGA REDDI :—" From any other cause ? "

The hon. Sir C. P. RAMASWAMI AYYAR :—" That does not arise out of this question."

Police.

Arrest of certain persons for gambling by the Tanjore Police.

* 1174 Q.—**Mr. T. ADINARAYANA CHETTIYAR** : Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) whether eleven persons, including a clerk and a peon of the office of the Training School for Mistresses and a dismissed Government servant, were arrested by the Tanjore Police for gambling in the house of Mrs. Bradley, Inspectress of Girls' Schools, Tanjore, at midnight on a certain day in June last ;

(b) whether the eleven persons were charged before the First-class Bench Court, Tanjore, for gambling and whether a sum of money was produced by the police as having been found on the gaming table at the time of the arrest ;

(c) whether it is a fact that on the day fixed for the trial of the accused, the police wished to withdraw the prosecution ;

(d) whether it is a fact that at a later hearing the Sub-Inspector of Police told the Court that it was the desire of the District Superintendent of Police that the case should not be proceeded with and that the police were not to let in any evidence ;

(e) whether the Bench Court made a record of this and let the accused go free ;

(f) what were the reasons which led to the police withdrawing the prosecution ; and

(g) if Government have no information, whether they will be pleased to call for the same ?

A.—(a) Yes, but the number of persons arrested was ten.

(b) Yes.

(c) The case was adjourned owing to the absence of the Inspector of Police, the first witness.

(d) & (e) Yes.

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- (f) The District Superintendent of Police was of opinion that for an offence under section 7 of Madras Act III of 1889 to be made out the keeping of a common gaming house had first to be established ; and this he did not consider to have been proved.

Regulation of traffic in Tuticorin on the day of the visit of His Excellency the Governor.

* 1175 Q.—Mr V. PANTULU AYYAR : Will the hon. the Law Member be pleased to state—

(a) whether he has heard or received reports of an insult offered by a member of the Civil Police to a member of the Bar Association (i.e., how a phaeton in which he and his friends were going was forcibly turned out and dragged through the road to a corner of the town whence they had to go to their houses walking) at Tuticorin on the occasion of the visit of His Excellency the Governor to Tuticorin on the 25th and 26th October ;

(b) whether it is a fact that the ' King's Highways ' were closed to the public on the 25th and 26th instants in view of His Excellency the Governor's visit to Tuticorin ;

(c) whether the attention of the Government was drawn to the alleged high-handed action of the police in the matter of controlling traffic on the said dates ;

(d) whether there was restriction of public traffic pedestrian and wheeled, on the day prior to His Excellency's visit ;

(e) whether the hon. Member received the resolution of protest made by the Tuticorin Bar Association over this incident ;

(f) whether Government will be pleased to enquire into this affair and make a statement therein ; and

(g) whether Government consider it necessary to issue definite instructions about the regulation of traffic on such occasions ?

A.—(a) The Government have perused an article on the subject published in the *Hindu* dated 29th October 1925, and also reports received from the Inspector-General of Police and the Collector of Tinnevely.

(b) Parts of certain streets were closed to wheeled traffic on the 25th October 1925 for about an hour during a rehearsal of the police traffic arrangements and on the 26th October for a short period prior to the passing and return of His Excellency and party.

(c) The Government see no reason to believe that the police behaved in a high-handed manner. They acted in accordance with their orders.

(d) The restriction applied to wheeled and not to pedestrian traffic.

(e) Yes

(f) The Government have received reports from the Inspector-General of Police and the Collector of Tinnevely. No object will be served by further inquiry.

(g) The matter is under the consideration of Government.

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Mr. S. SATYAMURTI :—“ With reference to the answer to clause (a), may I ask if the Government have made any enquiries into the matter and have satisfied themselves that the facts are either correct or are not correct or are partially correct? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The allegations are only very partially correct. First of all, in the *Hindu* newspaper an account appeared of an extraordinary urgent meeting of the local Bar Association and it was stated there that there was obstruction, that the police were highly impolite and rude, that they prevented and frustrated the actions of members of the bar, etc. Then another account appeared to the following effect from the pen of a correspondent. In view of the statement of experience now recounted, I am asked by Mr. Ramaswami Ayyar and Subba Ayyar to correct the particulars in my report and I do so with pleasure. They say that constable 811 was simply standing by when the phaeton was obstructed and that the Muhammadan Sub-Inspector only did not answer questions put to him relating to the authorship of the order of prohibition and that they have no complaint against their behaviour towards them in any way in particular

“ That was the nature of the version that subsequently appeared in the 11-15 newspaper, and when further enquiries were made undoubtedly it was ^{a m.} found that some members of the bar were asked to stop 5 or 10 minutes at a particular place and they seemed to have lost their temper, but I think the whole matter has now settled down. As will be seen, the Government are contemplating to issue general regulations to prevent any misconceptions in future.”

Mr. S. SATYAMURTI :—“ Arising from the answer to the whole question, may I ask the hon. the Law Member for a statement as to the policy of Government on this matter and the reasons why they want to keep a particular road free from traffic, if it is arranged that His Excellency the Governor should pass over that road? In England, for example, when His Majesty the King passes over a certain road, the road is not kept free from traffic and no danger happens to him. Was it feared that the members of the bar would shoot His Excellency the Governor? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ No, Sir. I feel confident that it was not the intention of the bar either individually or collectively to shoot His Excellency the Governor or anybody else. But the position is very simple. This is what happened :—“ On the 26th of October His Excellency the Governor and Lady Goschen and their party visited Tuticorin for one day. Part of the programme arranged with the approval of the Collector was a drive through the town by way of Great Cotton Road and Victoria Extension Road and on the road certain private gentlemen and institutions of standing were given the privilege of presenting His Excellency and Lady Goschen garlands at their doors. Line of motor-cars halted on these different points for the purpose. This part of the programme necessitated a careful rehearsal for the reasons firstly that those responsible for the safety of Governor's party had to set up special police in addition to distribution for street lining purpose at the garlanding points and secondly the persons presenting the garlands many of whom had never before faced a semi-formal ceremony of the kind before had to be shown how to present

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the garlands in accordance with the reasonable etiquette. Accordingly the officers arranged for a rehearsal to be held at 4 p.m. on the afternoon of the day preceding His Excellency's visit. The Circle Inspector of Police of Tuticorin arranged to have all the men at their posts and then he and the Deputy Superintendent of Police and the Sub-Collector went over the road halting at each point in turn to rehearse the procedure with the persons concerned. Neither the Deputy Superintendent of Police nor the Sub-Collector was aware of giving any order to stop the traffic even for the short time taken for the rehearsal. But apparently the Circle Inspector thought that it was intended and he instructed the police accordingly. The order was enforced in the case of three gentlemen, namely, Krishna Ayyangar, Ramaswami Ayyar and Subba Ayyar. These gentlemen drove by the side street leading on to Great Cotton Road and found the road blocked by a police cordon, and their idea was to go through that road, but were kept back by a police sub-inspector who in accordance with his orders politely but firmly declined to allow the car across the line of route. There was nothing but absolute courtesy in the refusal and in the manner in which it was intimated and I am afraid there was some lack of courtesy and self-control in the manner in which it was received. The gentlemen turned back their car with unedifying threats. Their threats took shape in the form of suit notice for Rs 50 and a public apology against the Collector as representing the Secretary of State.

"In these circumstances, I think it was only a question of few minutes stay and the police men were not in the wrong but these gentlemen lost their temper."

MR. S. SATYAMURTI :— "Arising from the statement made by the hon. the Law Member—probably I shall be doing him an injustice if I have not heard him correctly, but if I am wrong I suppose he will correct me—I think I heard him at one stage say that the order to stop the members of the bar even for a few minutes was unnecessary. If that is so, I want to know the reason why he concluded his long statement by saying that the members of the bar lost their temper and they were in the wrong and not the police. Again may I ask even if a rehearsal is arranged to take place in a particular road, should there be restriction of traffic in that road, even if it is not in a crowded part of the city?"

THE HON. SIR C. P. RAMASWAMI AYYAR :— "As a matter of fact it was understood that the rehearsal was to take place in a crowded part of the town. When I said that members of the bar lost their temper, I was stating only a fact."

MR. P. ANJANAYULU :— "Sir, in clause (a) of this question it is alleged that members of the bar were forcibly turned out and dragged through the road to a corner of the town and that is not specifically denied by the Government. Again in answer to clause (c) the Government say 'The Government see no reason to believe that the police behaved in a highhanded manner. They acted in accordance with their orders.' If the allegations are true, does not the hon. the Law Member believe that the police acted in a highhanded manner and behaved badly towards the members of the bar?"

THE HON. SIR C. P. RAMASWAMI AYYAR :— "If the allegations are correct that the members of the bar were dragged, then it may be said that the

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police behaved in a high-handed manner. Here again there was another disclaimer from these very gentlemen who stated that the first correspondence which was published in the *Hindu* was misconceived, and that there was no high-handedness or pushing or pulling."

Location of new police stations in South Arcot.

* 1176 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon. the Law Member be pleased to state—

(a) the number of police stations proposed to be newly established in South Arcot and the places where they are to be located; and

(b) whether it is intended to establish police stations in Tiruvadi and Bhuvanagiri respectively?

A.—(a) & (b) It is proposed in the reallocation scheme to establish four new police stations at Tiruvadi, Valavanur, Kunjinnur and Settiya Tope and to continue the existing outpost at Bhuvanagiri. The proposals are under the consideration of the Government.

Mr. R. SRINIVASA AYYANGAR:—"In view of the fact that the Government have stated that 'the proposals are under the consideration of the Government' and in view of the fact that Bhuvanagiri is a major union, has a fairly large population and is a commercial centre and it had a police station till ten years ago, may I ask the hon. the Law Member to consider the advisability of converting the existing outpost into a regular police station?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"The suggestion will be considered."

Panchayat Courts.

Qualifications for the membership of panchayat courts.

* 1177 Q.—Mr. P. N. MARTHANDAM PILLAI: Will the hon. the Law Member be pleased to state whether there is any literary or other qualifications fixed for the membership of the panchayat court; if not, whether the Government will fix literacy as a minimum qualification, seeing that the members have to function as a court?

A.—The hon. Member's attention is drawn to rule 4 of the rules framed under the Madras Village Courts Act, 1888, contained in notification No. 144, Law (General), dated the 2nd March 1922, published at page 256 of Part I of the *Fort St. George Gazette*, dated the 7th March 1922.

Mr. P. N. MARTHANDAM PILLAI:—"With reference to the answer given to this question, may I know what that rule is?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"I shall send a copy of the rule to my hon. Friend."

Mr. R. VEERIAN:—"May I know how many village panchayat courts have been constituted or established and how many members belonging to the depressed classes were able to get through the elections?"

The hon. Sir C. P. RAMASWAMI AYYAR:—"That is a very important question but does not arise out of this particular question."

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Mr. R. VEERIAN :—“ May I know whether there is any provision in the Village Panchayat Act for nomination of the members of the depressed classes just as there is in the Local Boards and Municipalities Act.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ The hon. Member has a right to try and introduce such a provision.”

Mr. R. VEERIAN :—“ Supposing the members of the depressed classes have not been able to get through a certain panchayat court election, will not the Government make nominations of certain members of the depressed classes ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ Sir, I think we are confined to ‘ literary or other qualifications ’ in raising supplemental questions upon this. I do not know, Sir, whether you consider the possibility of getting through the elections also as one of the qualifications. In the absence of such a ruling, my hon. Friend will forgive me if I cannot answer his questions off hand ”

Famine.

Famine relief to certain parts of Trichinopoly district adjoining Coimbatore district.

* 1178 Q—Mr. T. M. NARAYANASWAMI PILLAI : Will the hon. the Member for Revenue be pleased to state—

(a) whether any steps have been taken by the Government to relieve the people in those parts of the Trichinopoly district bordering upon Kangayam in the Coimbatore district alleged to be famine-stricken ; and

(b) if so, what ?

A.—(a) & (b) There is no reason to suppose that people are famine-stricken in any part of the Trichinopoly district. The report for the week ending 5th December 1925 for the district is that the standing crops are fair, that the harvesting of paddy, groundnut and cumbu is proceeding with fair outturn, and that employment is available and that grain stocks are sufficient.

Mr. T. M. NARAYANASWAMI PILLAI :—“ With reference to the answer to this question, is the hon. the Member for Revenue aware that a certain portion of Karur taluk was said to be suffering from famine ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ No, Sir.”

Mr. T. M. NARAYANASWAMI PILLAI :—“ Was any special report called for in respect of that portion of the Karur taluk which was said to be suffering from famine after the discussion that took place in this Council last month ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ No, Sir.”

Mr. T. M. NARAYANASWAMI PILLAI :—“ Is there any reference to any portion of the Trichinopoly district in that report ? ”

The hon. Mr. N. E. MARJORIBANKS :—“ No special reference was made.”

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Land Revenue.

Registration of fields in Rupangudi village as 'double crop' wet land.

* 1179 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether fields under ever precarious sources of irrigation in Rupangudi village, Bellary taluk, Bellary district, have been compulsorily registered as 'double crop' wet land at one and a half times the single crop wet assessment; and

(b) whether the owners thereof have been denied the option of compounding the 'double crop' assessment at the favourable rates prescribed in the Board's Standing Orders and if so, why?

A.—(a) & (b) The Government are not aware of any such registration and have called for a report.

Assignment of lands in Ongole taluk.

* 1180 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the District Labour Officer of Guntur has seen the Sub-Collector of Ongole recently and recommended the assignment of about 500 acres of darkhast land to one M.R. Ry Rao Sahib Bandla Papayya Chetti and to his sangam composed of caste weavers instead of recommending the said land to the members of the depressed classes;

(b) whether it is a fact that the 500 acres belong to Ongole taluk and that the weavers are situated in Vetapalem village, Bapatla taluk, 20 miles off the land in question, and that the District Labour Officer is asked to work only within specified areas; and

(c) if they have no information, whether they will be pleased to call for the information?

A.—The Government have no information but have called for a report.

Mr. P. ANJANEYULU:—"Did any members of the depressed classes apply for dharkast of these lands?"

The hon. Mr. N. E. MARJOBIBANKS:—"We have called for a report but have not yet received it."

Meteorology.

Weather report from Anantapur.

* 1181 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the attention of the Government has been drawn to the fact that no daily weather report is received from Anantapur by the Government;

(b) when it was discontinued;

(c) why it was discontinued;

(d) whether the Government propose to restore the old order of things when such reports were received from all district headquarters; and

(e) whether the observations cannot be made in the Ceded Districts College daily and reported to the Government?

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- A.-- (a) Yes.
 (b) In 1923.
 (c) Because the Observatory station at Anantapur was closed.
 (d) & (e) Observatory stations are not under the control of the Local Government.

Mr P. ANJANLYUTU —“Will the Local Government consult the authorities concerned for having an observatory at Anantapur?”

The hon. Mr. N E MARJORIBANKS —“We have done so, Sir.”

Depressed Classes.

Management of the Adi-Dravida Night school at Govindapuram.

* 1182 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether any reference was made by the District Educational Officer, Vellore, North Arcot district, about the management of the Adi-Dravida Night school at Govindapuram, Vaniyambadi municipal area, during the month of July or August last to the Labour department;

(b) whether the Labour department has taken up its whole management from the correspondent of the school, viz., the Adi-Dravida teacher-manager; and

(c) if not, at what stage the matter remains at present?

A.—(a) Yes

(b) No

(c) The Commissioner of Labour has informed the teacher-manager of the school that the question of taking over the school will be considered when the operations of the Labour department are extended to the North Arcot district.

Mr R. VEERIAN :—“With reference to the answer given in clause (c), may I know when the operations of the Labour department are likely to be extended to North Arcot district?”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“This question is now under the consideration of Government.”

Mahazar from the depressed classes of Virapandianur, Kovilpatti taluk.

* 1183 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether any mahazar submitted by the members of the depressed classes living in the village of Virapandianur, Kovilpatti taluk, Tinnevely district, dated 25th July 1925, to the Law (General) Department has been received; and

(b) if so, whether any action has been taken in connexion with the complaint mentioned therein?

A.—(a) Yes.

(b) The mahazar has been forwarded to the Commissioner of Labour for necessary action.

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Mr. R. VEERIAN :—“ With reference to clause (b) of this question, may I know what the Labour Commissioner has done to the mahazar and whether he has made any inquiries in the matter, and if so, with what results ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ The Government have sent the mahazar to the Commissioner of Labour and we have not heard anything from him yet.”

Labour.

Action taken by Government on the unemployment resolution passed in the Council.

* 1184 Q.—**Mr. S. SATYAMURTI :** Will the hon. the Home Member be pleased to state—

(a) whether the Government have taken any action in regard to the question of unemployment in the Presidency on which the Legislative Council passed a resolution in one of its recent sessions ; and

(b) if so, the nature of the action taken ; and

(c) if not, why not ?

A.—(a) & (b) Government are taking steps to appoint a committee to investigate the problem.

(c) Does not arise.

Finance.

Recent Conference of Finance Members at Delhi.

* 1185 Q.—**Mr. S. SATYAMURTI :** Will the hon. the Member for Finance be pleased to state—

(a) the purpose for which he attended the Conference of Finance Members recently held at Delhi ;

(b) the decisions arrived at at that Conference so far as Madras is concerned ; and

(c) whether the Legislative Council will be consulted before those decisions are given effect to, and if not why not ?

A.—(a) The Finance Member attended the Conference recently held at Delhi, convened by the Government of India to discuss various questions affecting financial administration and other similar matters in which the Government of India and the provinces are mutually interested.

(b) & (c) The Government of India who convened the conference have not authorized the publication of its proceedings, but any proposal arising out of the conference which requires the concurrence of the Legislative Council will of course be placed before it.

Mr. S. SATYAMURTI :—“ With reference to the answer given to this question, I want to know from the hon. the Finance Member who attended this conference, whether he committed this Government to any proposals made by the Government of India or whether he attended it merely as a kind of representative to watch the proceedings on our behalf ? ”

The hon. Mr. T. E. MOIR :—“ The Finance Member commits this Government to any proposal made by the Government of India only in so far as he is authorized to do so.”

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Mr. S. SATYAMURTI :—“ Arising out of the latter portion of that answer, may I ask whether he was authorized to commit this Government, and if so, to what extent ? ”

The hon. Mr. T. E. MOIR :—“ There were several questions which concern not only my department but also those of my hon. Colleagues and in each case I was authorized to speak on behalf of this Government.”

Mr. S. SATYAMURTI :—“ Unfortunately, I am not a Member of the Government, and I have no knowledge of the various matters that pass between him and his Colleagues. If the hon. the Finance Member cannot answer me because this is a confidential matter, then it is all right. But I am asking him for information as to whether he was authorized to commit this Government to any financial obligations or to any financial resolutions, and if so, whether there are any standing orders or rules framed by this Government authorizing him to do so.”

The hon. Mr. T. E. MOIR :—“ There are certain rules regulating the relations of the Finance and other departments.”

Mr. S. SATYAMURTI :—“ Sir, in the particular case in which the hon. the Finance Member attended that conference, I am asking him for information as to the extent to which he was authorized to commit this Government to the resolutions of that conference.”

The hon. Mr. T. E. MOIR :—“ That depended entirely upon each individual case.”

Mr. S. SATYAMURTI :—“ Sir, arising out of that answer, I am asking him whether at the recent conference he attended he committed this Government to any obligations, and if so, what those obligations are ? ”

The hon. Mr. T. E. MOIR :—“ I may assure my hon. Friend that I did not commit this Government to any financial obligations.”

Local Boards and Municipal Councils.

Elections to Municipal Council, Hindupur.

* 1186 Q.—Mr. G. RAMESWARA RAO: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that the municipal chairman of Hindupur invalidated nomination papers sent in for election in August 1925 on the ground that they were forged ;

(b) whether the municipal chairman held any enquiry before coming to such a conclusion ;

(c) whether the nominees with proposer and seconder were present to substantiate their genuineness and whether they were examined ;

(d) whether the Government have directed any enquiry into the matter and if so, by whom ;

(e) whether the Government propose to start judicial proceedings against the suspected offenders—forgers—if any ;

(f) whether the Government consider it advisable to appoint a scrutiny board consisting of members having no direct connexion with the council or with the proposed candidates ; and

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(g) what, if any, are the measures contemplated by the Government which would take away the conduct of elections from the hands of persons who take a personal interest in them?

A.—(a) The Chairman, Municipal Council, Hindupur, rejected certain nomination papers as he considered that the signatures of the proposers and seconders thereon were not genuine.

(b) & (c) No formal enquiry appears to have been held.

(d) The Government suspended the order of the Chairman rejecting the nominations and directed him to hold the necessary enquiry as to whether the names of the proposers and the seconders on these papers were or were not written by themselves and to admit or reject the nominations in accordance with his finding on the point.

(e) & (f) The answer is in the negative.

(g) The attention of the hon. Member is invited to G.O. No. 1367, L. & M., dated 23rd April 1925, which ^a is appended.

Mr. P. ANJANEYULU :—“ Sir, with reference to the last four lines of the 11-80 Government Order referred to in the answer to clause (g), may I know ^{a.m.} whether the revenue officer may be requested to preside even in the election of the chairman and the vice-chairman ? ”

The hon. the RAJA OF PANAGAL :—“ I should like to have notice of the question.”

Mr. A. RANGANATHA MUDALIYAR :—“ May I know whether the hon. Minister proposes to take any action regarding the conduct of the chairman ? ”

The hon. the RAJA OF PANAGAL :—“ The question is under the consideration of the chairman. He has been directed to enquire into the matter and the action that the Government will take will depend upon his report.”

Nomination of ladies to district boards.

*1187 Q—Mr. R. VEERIAN : With reference to question No. 217 regarding nomination of lady members to municipalities and local boards answered at the meeting dated 20th August 1925, will the hon. the Minister for Local Self-Government be pleased to state the advantages in nominating lady members to the district boards and the principle involved therein ?

A.—Ladies are appointed as members of district boards chiefly that they may protect the interests of the female and infantile population in the district board jurisdiction in respect of the functions of local boards. The principle involved is that women, as well as men, have duties and responsibilities towards the public.

Mr. R. VEERIAN :—“ May I know, Sir, whether the answer given here applies in the case of lady members appointed to the municipal councils. I am asking this because the answer refers only to the district boards.”

The hon. the RAJA OF PANAGAL :—“ Yes.”

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Mr. R. VEERIAN :—" May I know how many lady members have already been appointed this year to the various municipalities and the local boards? "

The hon. the RAJA OF PANAGAL :—" I know there have been a number of them nominated, but I cannot give the exact number offhand. I should like to have notice of the question."

Mr. R. VEERIAN :—" Were there any vacancies this year? "

The hon. the PRESIDENT :—" Where? "

Mr. R. VEERIAN :—" All over the Presidency, Sir, in all the municipalities."

The hon. the RAJA OF PANAGAL :—" I have already answered that question, Sir."

Medical.

Leper asylums in the Presidency.

* 1188 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) with reference to the points raised in my question No. 106 put at the meeting of the Council held on 19th August 1925, whether Government are going to apply the Indian Lepers Act (1898) to the whole of the Madras Presidency or to any part of it, and if so, to what part and when;

(b) whether the Leper settlement in Chingleput is intended for lepers found all over the Presidency;

(c) what provision has been made as to the cost of conveyance and as to separate compartments in railway trains for the conveyance of lepers from all parts of the Presidency; and

(d) what steps have been taken to extend, increase and improve leper asylums in each and every district of the Presidency?

A.—(a) The Government are not going to apply the Indian Lepers Act to this Presidency.

(b) The leper settlement at Chingleput is intended for acute cases, and for patients for whom treatment will be beneficial.

(c) The question is under consideration by the Surgeon-General and the Railway authorities.

(d) Recent advances in the knowledge of the disease have made necessary a reconsideration of the whole policy up to now adopted towards lepers and leprosy. The Government are examining in the light of the new discoveries, the measures required to provide for the segregation and cure of infectious cases, and for the care and maintenance of non-infectious or burnt out cases, where patients are not able to maintain themselves.

Mr J. A. SALDANHA :—" With reference to clause (a) I want to know why the Government are not going to apply the Indian Lepers Act and on what ground they think that there would not be any good purpose served by the application of the Act as it is. May I know what is meant by 'it would serve no good purpose.' It is very vague."

The hon. the RAJA OF PANAGAL :—" Sir, with regard to the measures to be adopted there ought to be a change according to the expert opinion."

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Mr. J. A. SALDANHA :—“ Having regard to the change of opinion, may I enquire if the Act has already been amended ? ”

The hon. the RAJA OF PANAGAL :—“ Not according to the up-to date ideas of the disease.”

Government Medical Schools outside Madras City.

* 1189 Q.—Mr. R. VEERIAN: Will the hon the Minister for Local Self-Government be pleased to state—

(a) how many Government Medical schools exist in the Presidency outside Madras City and the places where they are respectively located ;

(b) whether any exemption is made from payment of school fees in them in the case of students belonging to the depressed classes ; and

(c) if not, why not ?

A.—(a) Besides the Rayapuram Medical School and the Medical School for Women at Madras, there are Government Medical Schools at the following places —

1. Vizagapatam.
2. Tanjore.
3. Madura.
4. Coimbatore

(b) & (c) A student in receipt of a stipend from the Government is exempted from the payment of school fees. In other cases, fees are levied at half the standard rates if the student belongs to the backward classes or castes and his parents or guardians are so poor that the grant of this concession is necessary to enable him to continue his studies.

Village Panchayats.

Transfer of communal porambokes to village panchayats in South Arcot district.

* 1190 Q.—Mr. R. SRINIVASA AYYANGAR: Will the hon the Minister for Local Self-Government be pleased to state—

(a) how many village panchayats in South Arcot district have communal porambokes transferred to them ; and

(b) if no such transfer has been made, the reason therefor ?

A.—(a) None at present.

(b) The Village panchayats of Vilukkam in the Tindivanam taluk and Gavarapattu in the Chidambaram taluk are the only ones which have applied to the Collector for the transfer to them of the control of the communal porambokes in their jurisdiction. The applications are under consideration.

Mr. R. SRINIVASA AYYANGAR :—“ May I ask whether it is the policy of the Government to transfer the control of communal porambokes only to such village panchayats as apply for them or whether it is the policy to select some village panchayats and then transfer the control of the village porambokes ? ”

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The hon. the RAJA OF PANAGAL :—" Sir, the question is considered in the Revenue Department. As a matter of fact each question will be considered on its merits."

Mr. R. SRINIVASA AYYANGAR :—" I want to know whether the Government insist upon the application from the panchayats in the first instance."

The hon. the RAJA OF PANAGAL :—" Government won't take the initiative. If panchayats apply for them each case will be considered on its merits."

Mr. A. CHIDAMBARA NADAR :—" May I know whether communal porambokes have been transferred to any village panchayat ? "

The hon. the RAJA OF PANAGAL :—" I think there would have been cases in which porambokes had been transferred to village panchayats."

Education.

Grants to the University of Madras for foreign research scholarships.

* 1191 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government have recently been approached by the University of Madras with a request for a grant for foreign research scholarships and whether the Government declined the grant;

(b) whether the Government made a grant for that purpose in 1923 which however lapsed; and

(c) the reasons why the Government declined to make any grant this year ?

A.—(a) Yes.

(b) Provision was entered in the budget estimate for 1923-24 for new schemes connected with the teaching side of the University and it lapsed.

(c) Section 44 (2) (b) of the Madras University Act, 1923, which enumerates the objects for which the Government may make contributions to the University does not refer to the grant of scholarships tenable in the United Kingdom to be awarded by the University. Further the Government are awarding annually from provincial funds foreign scholarships for post-graduate study or research work.

Mr. S. SATYAMURTI :—" With reference to clause (c), may I ask the hon. the Minister for Education whether Government have come to this conclusion that in regard to future grants to the University of Madras they will be confined only to items mentioned in section 44 (2) (b) of the Madras University Act ? I am asking this merely because the section merely enumerates the objects for which Government may make contribution."

The hon. Rao Bahadur Sir A. P. PATRO :—" Each case will have to be decided on the circumstances."

Mr. S. SATYAMURTI :—" Therefore, Sir, may I take it that in this case Government declined the grant, not so much because they were convinced they had no power, but because they were awarding annually foreign scholarships from Provincial funds ? "

The hon. Rao Bahadur Sir A. P. PATRO :—" On both grounds."

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Mr. S. SATYAMURTI :—" In order to elucidate the matter further, may I ask one more question? May I ask the hon. the Minister for Education to be good enough to say whether if he finds that a particular object for which the grant was asked was otherwise proper he would consider the provision of the Act as precluding him from making the provision? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It depends upon the objects of the proposal. If they come under the interpretation of 44 (2) (b) or approximate to it, they will be considered."

Mr. S. SATYAMURTI :—" With regard to the last sentence in the answer regarding foreign scholarships, may I know whether it is usually given to members already in Government service or whether it is given to students who are really students? If it is the latter, whether the representations of the University are considered by Government? "

The hon. Rao Bahadur Sir A. P. PATRO :—" It is given by the Government to those that are in service and those students who want to carry on research work."

Mr. S. SATYAMURTI :—" May I ask if any such scholarships have been given? "

The hon. Rao Bahadur Sir A. P. PATRO :—" There are some students carrying on research work in the London, Oxford and Cambridge Universities."

Mr. S. SATYAMURTI :—" May I ask whether those students were selected by Government itself, and if so, why the University was not consulted? "

The hon. Rao Bahadur Sir A. P. PATRO :—" I do not think the University has anything to do with the selection. It rests with the Government."

Mr. S. SATYAMURTI :—" With regard to the capacity of the students to do research work, does not the hon. Minister consider the University to be the most competent authority to advise the Government? "

The hon. Rao Bahadur Sir A. P. PATRO :—" University acts through syndicate. The Government gets advice from experts and professors. There are more opportunities for the professors to know the capacity of students for research work? "

Mr. C. RAMALINGA REDDI :—" Is it research scholarship alone? "

The hon. Rao Bahadur Sir A. P. PATRO :—" Technical scholarship as well as research scholarship."

Mr. C. RAMALINGA REDDI :—" Cannot the University be regarded as a better judge in regard to scholarship in general science? "

The hon. Rao Bahadur Sir A. P. PATRO :—" As far as my experience goes, I think the present system is very good and I do not think that any change is necessary."

Mr. S. SATYAMURTI :—" Arising out of the statement of the hon. the Minister that University means syndicate, may I remind him of what he ought to have known, that the syndicate consults boards of experts of the best

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professors in the general and technological side? May I know the reason why the hon. Minister wants to be sure that the patronage is with him and nobody else? Why should not the University be even consulted?"

The hon. Rao Bahadur Sir A. P. PATRO :—"Government is advised by experts and there is no necessity to consult the University."

Mr. S. SATYAMURTI :—"Does the hon. Member think that the Boards of Studies are not expert bodies?"

The hon. Rao Bahadur Sir A. P. PATRO :—"I do not say that."

Admission of depressed class pupils into the Government Institute of Commerce, Madras.

* 1192 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education and the hon. the Home Member please to state—

(a) whether students who are not holders of completed School-Leaving Certificates or Matriculates are admitted in the Government Institute of Commerce, Madras, to undergo training in various commercial and technical subjects, viz, Typewriting, Shorthand, Book-keeping, Banking, Theory and Practice of Commerce, Mensuration and Commercial Geography;

(b) whether full fees are charged or half fees or any other concession is shown in the matter of school fees for the depressed classes owing to poverty with a view to encourage the said class;

(c) whether there are any members belonging to the depressed classes now in the Government Institute of Commerce undergoing or receiving instructions in any of the subjects; and

(d) if not, whether the existence of this institution will be made known to the depressed classes, by suitable methods through the Commissioner of Labour?

A.—(a) Yes.

(b) The concessions admissible under rule 92 of the Madras Educational Rules are granted in this institution.

(c) No.

(d) Yes.

MR. R. VEERIAN :—"With reference to clause (b), the answer is that the concessions admissible under rule 92 of the Madras Educational Rules are granted in that institution. In a letter written to me by the principal of the Government Institute of Commerce dated 28th September 1925 it is very clearly stated in paragraph 2 that all students have to pay full fees and no concession is allowed. Surely, there must be something wrong somewhere. Either the principal ought to be incorrect or the Government ought to be incorrect. May I know who is correct after all?"

The hon. the PRESIDENT :—"The hon. Member need not proceed with his lessons in logic. We are not concerned with the principal or the letter. We are only concerned with the Government Member in charge."

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Admission of depressed class pupils in the Board Higher Elementary School, Komaralingam village.

* 1193 Q.—MR. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) why admission to pupils of depressed classes is denied in the Board Higher Elementary school located in Komaralingam village, Udamalpet taluk ;

(b) whether the owner of the building has promised to admit the Adi-Dravida pupils into the school building only at some indefinite future date, and if so, why ; and

(c) why the Government grants have not been withheld until the admission of Adi-Dravida pupils into the school building ?

A.—(a), (b) & (c) The Government have no information. A report has been called for.

MR. R. VEERIAN :—“ In the remarks received from the Deputy Inspector of Udamalpet he says that the Board Elementary School does not admit pupils of the depressed classes. In view of the disabilities that are being felt by members of the depressed classes with regard to admission, may I know whether the Government will not withdraw a portion of the Government grant given to these board schools as has been done by the Mysore and Bombay Governments ? ”

The hon. Rao Bahadur Sir A. P. PATRO —“ The report is called for and the question will be considered on receipt of the report.”

Nomination of depressed class members to district secondary education boards

* 1194 Q.—MR. R. VEERIAN. With reference to question No. 280, regarding the creation of district secondary education boards answered at the Council meeting, dated the 21st August 1925, will the hon. Minister for Education be pleased to state—

(a) whether any enquiries have been made in all districts regarding the nomination of suitable candidates available belonging to the depressed classes to represent the said classes on all the secondary education boards ; and

(b) if so, with what results ?

A —(a) No. There are no vacancies at present in the seats reserved for nomination.

(b) Does not arise.

Admission of depressed classes girls into the Singanallur Board Elementary girls' school.

* 1195 Q.—MR. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) whether the Government are aware that admission is being denied to the girls belonging to the depressed classes in the Singanallur Board Elementary girls' school ; and

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(b) whether the Government are aware that a conductress employed by the board declines to go to the locality of the depressed classes to persuade those girls to attend the school?

A.—The Government have no information. A report has been called for.

Alleged non-admission of an Adi-Dravida boy in the Vikravandy Board Higher Elementary School.

* 1196 Q.—MR. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether the Headmaster of the Vikravandy Board Higher Elementary School instigated the boys in the school to leave it on the admission of an Adi-Dravida boy on the 10th instant;

(b) whether the Adi-Dravida boy also has since stayed away owing to the ill-treatment of the headmaster; and

(c) what steps the Government have taken or propose to take in the matter?

A.—The Government have no information, but have called for a report.

Libraries.

Grants made to local bodies for public libraries.

* 1197 Q.—MR. S. SATYAMURTI: Will the hon. the Minister for Education be pleased to state—

(a) the conditions on which grants have been made to local bodies for public libraries;

(b) the reasons why those conditions were imposed; and

(c) what the department means by books of an "objectionable character"?

A.—(a) The conditions are mentioned in G.O. No. 1863, Law (Education), dated 28th October 1925, which has been placed on the Editors' Table.

(b) The object is to ensure that the Government grant is utilized properly.

(c) The meaning of the words is plain enough.

MR. S. SATYAMURTI.—"With reference to clause (c) of this question, Sir, I must ask for some light. The answer is, the meaning of the words is plain enough. After all it may vary with each individual. I should like for some light as to the general considerations by which Government would consider certain books as of an objectionable character. Would they consider the book by Mahatma Gandhi on Non-Co-operation as objectionable?"

The hon. Rao Bahadur Sir A. P. PATRO :—"That is not a supplementary question arising out of this."

MR. S. SATYAMURTI :—"I have submitted the question to you, and as you have ruled the question to be in order, I do not propose to make a statement."

The hon. Rao Bahadur Sir A. P. PATRO :—"I have submitted the answer to you and not to the member."

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Mr. C. RAMALINGA REDDI : “ My hon. Friend the Minister for Education says that he submitted the answer to you that it was not a supplementary question. The submission should have been in the form whether it was a supplementary question or not. He cannot take the decision in his own hands.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ It is submitted for the President’s decision.”

Mr. S. SATYAMURTI :—“ If the hon. Minister must grow from bad to worse, let him. I ask for your ruling, Sir. The answer is, the meaning of the words is plain enough. Since the meaning of the words ‘ objectionable character ’ may not be plain enough, and may vary from individual to individual, I am asking the Government to make a statement as to the general considerations with reference to which they would call books objectionable in character, and in order to enable them to answer, I quoted an instance of Mahatma Gandhi’s book on Non-Co-operation which is highly useful to any public library, and wanted to know whether Government considered such books as of an objectionable character.”

The hon. the PRESIDENT :—“ The hon. Member in charge perhaps mean that he would be able to answer that if it is put as a main question.”

Mr. S. SATYAMURTI :—“ I wish he says that. Because I can then give notice of the question.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ That is what I submitted in the point of order I raised. I said that it did not arise as a supplementary question on the present question. So, if he gives notice of his question, I will consider it.”

Public Works.

Construction of a bridge on the Coleroon.

* 1198 Q.—Mr. T. M. NARAYANASWAMI PILLAI Will the hon. the Minister for Education be pleased to state—

(a) whether the Collector of Trichinopoly in his report after the floods urged upon the Government the imperative need of constructing a bridge on the Coleroon and throwing it open for traffic within September 1925 ;

(b) if so, whether any beginning in the construction has hitherto been made ; and

(c) if not, whether the Government will be pleased to state the reasons ?

A.—(a) Yes.

(b) No.

(c) The work is to be given on lump sum contract. It is a big work, and the delay has been due to the need for a careful scrutiny of the estimate and tenders. It is hoped that the work will now be begun at once.

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Co-operative Societies.*Appointment of Assistant Registrars of Co-operative Societies.*

* 1199 Q.—Mr. B. OBALESAPPA : Will the hon. the Minister for Development be pleased to state—

(a) how many graduate members of the Barber community have applied for appointments in the new cadre of Deputy Registrars or Assistant Registrars of the Co-operative Credit department ;

(b) whether any of them has been appointed to any one of the said cadres ;

(c) if not, why not ; and

(d) whether the persons already appointed to the cadre of Assistant Registrars have got better qualifications than those who have applied from the Barber community ?

A.—(a) to (c) Only one graduate of the Barber community applied for the post of Assistant Registrar of Co-operative Societies. He was disqualified on medical grounds.

(d) Does not arise.

UNSTARRED QUESTIONS.**Irrigation.***Government officers and hon. Members and Ministers who visited the flood-affected areas in Trichinopoly district.*

1200 Q.—Mr. M. R. SETURATNAM AYYAR : Will the hon. the Law Member, the hon. the Member for Revenue, the hon. the Member for Finance, the hon. the Minister for Local Self-Government, the hon. the Minister for Education and the hon. the Minister for Development be pleased to state the names of the Executive Council Members, the Ministers and various other heads of departments who visited Murungapet, Edayathamangalam and other flood-affected areas in the Trichinopoly district in 1924, the objects and the results of their visits, and the amount of the travelling allowances incurred by the Government thereon ?

A.—The names of the hon. Members, the hon. Ministers and the heads of departments who visited the locality in 1924 are—

- (1) The hon. Sir C. P. Ramaswami Ayyar, K.C.I.E.,
- (2) The hon. Sir Arthur Knapp, K.C.I.E., C.S.I., C.B.E.,
- (3) The hon. the Raja of Panagal,
- (4) N. MacMichael, Esq., I.C.S., Flood Commissioner,
- (5) P. Hawkins, Esq., Chief Engineer for Irrigation, and
- (6) J. Gray, Esq., I.C.S., Registrar of Co-operative Societies.

The object of the visits was to gain more information as to the damage done by the floods and the remedial measures necessary than could be derived from correspondence, and the result was that the Government obtained fuller information on these points than would otherwise have been the case.

As the visits were made in the course of tours, it is not practicable to state a particular sum as expense of the visits to the localities in question.

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Land Revenue.

Remission of assessment on wet lands in Trichinopoly.

1201 Q.—MR. T. M. NARAYANASWAMI PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether any action has been taken by the Government on the memorial submitted to the Government by the ryots of the villages lying to the east of the Trichinopoly town regarding the remission of assessment on wet lands irrigated by the Uyyakondan channel which is alleged to have received no supply since July 1924;

(b) whether it is a fact that the authorities generally inspected the lands only after the crops had been cut, and whether the said complaint is true; if so, what is the justification of the authorities to postpone the inspection till after the crops had been cut; and

(c) whether it is a fact that full wet assessment has been levied on fields irrigated only with rain water and not with water from the irrigation source and yielding shavi crops; if so, what is the justification of the authorities for so doing?

A.—(a) Reports have been obtained from the Collector and the Board of Revenue.

(b) The answer to the first part of the question is in the negative.

(c) The answer is in the negative. Remission has been granted to the extent of Rs. 59,616.

Malabar Affairs.

Compensation to the Thirumbadi Rubber Company for damages during Mappilla rebellion.

1202 Q.—CAPTAIN E. G. WINDLE: With reference to page 3 of G.O. No. 318 (copy enclosed), will the hon. the Member for Revenue be pleased to state why in settling list of claims for material damage during the Mappilla Rebellion, the Thirumbadi Rubber Company's claim for Rs. 1,675 was omitted?

ENCLOSURE.

G.O. No. 318, page 3, stated: 'In estimating the claim of the Companies for damages the Government have decided to ignore the claim for the value of rubber which would have been harvested, for advances lost owing to the rebellion and for deterioration in the estates through non-cultivation, and to take into consideration only what might really be regarded as material damage, that is, loss of buildings, equipment, rubber, cash, etc.'

A.—The Government have not admitted, and do not admit, any liability to compensate private individuals or companies for losses incurred by them in the Malabar rebellion. To help the work of reconstruction after the rebellion the Government sanctioned the grant of loans: and after the distribution of loans was over, they reviewed the situation and decided as a matter of grace to waive the recovery of the whole or part of the loans granted. The Thirumbadi Rubber Company took no loan from Government.

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Minor Irrigation.*Number of irrigation tanks in each district.*

1203 Q.—Mr. V. C. VELLINGIRI GOUNDER : With reference to question No. 851 answered on 2nd November 1925, will the hon. the Member for Revenue and the hon. the Law Member be pleased to state the number of irrigation tanks in each district?

A.—As the hon. Member has already been informed, there is no return or report which gives the particulars asked for by him; and the Government do not think it is in the public interests to order the information to be compiled specially. Instructions have, however, been issued that for the future the annual minor irrigation reports should contain information regarding tanks and channels made or restored by private persons under the provisions of the Board's Standing Orders.

Revenue Establishments.*Increments to the unpassed revenue clerks in South Kanara*

1204 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue and the hon. the Law Member be pleased to refer to the answer given to question No. 265 given on 2nd March 1925, Proceedings Volume XXII, page 561, and to the debates in Volume XXIII, page 1050 et seq and state --

(a) whether memorials were sent by seven or eight unpassed clerks in the Revenue department, South Kanara, in August 1924 complaining about the stoppage of their increments and the refund of the increments drawn by them from about 1st March 1923;

(b) whether it is a fact that in the Judicial and Forest departments the heads of the departments at the time when the time-scale came into force gave a general permission to all unpassed men in these departments without a single exception to draw increments up to Rs. 50; whether they are still continuing to draw the increments, though in G.O. No 164, Law (Education), dated 4th February 1925, it is ordered that individual exemption is necessary for each unpassed clerk to draw increments;

(c) whether in accordance with Government orders, increments to unpassed clerks have been stopped and whether refunds of the increments supposed to have been wrongly drawn have been insisted upon in all departments under Government;

(d) whether there is real differentiation made in regard to increments to unpassed men in the Revenue department on one hand and in other departments on the other, and if so, on what grounds; and

(e) if unpassed men in any department have been treated differently by a misinterpretation of Government orders from those in the Revenue department and are treated so in defiance of G.O. No. 164, Law (Education), above quoted, what action Government propose to take specially having regard to the view expressed by the hon. Member for Finance on page 1055 (the top paragraph) of Volume XXIII, Legislative Council Proceedings?

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A.—(a) Yes.

(b) It is a fact that unpassed clerks in the Judicial department were permitted in 1923 to draw increments, but under the orders issued in the course of this year, such clerks, unless specially exempted, cannot draw increments. The position in the Judicial department in this respect is the same now as in other departments

No such general permission has been granted to unpassed men employed in the Forest department.

(c) The Government presume so. But they have issued orders that they are prepared to consider applications for waiver of recovery of such overpayments.

(d) The orders on the subject apply to all departments alike.

(e) The audit officer will bring to the notice of Government cases in which the orders are not carried out; necessary action will be taken on the audit reports.

Local Boards and Municipal Councils.

Shifting of the dumping ground at Derebail.

1205 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government and the hon. the Member for Revenue be pleased to state—

(a) what orders Government have passed for the shifting of the municipal dumping ground at Derebail, a suburb of Mangalore, from S.N. 126 in which it is allowed by Government;

(b) whether applications have been made to the Collector for assignment to ex-military service men of areas within that S.N. such as are not required and are not suited for dumping purposes;

(c) whether Government have received an appeal from Mr. J. C. Aranha of Mangalore against the order of the Collector refusing to assign any portion of the land to his son, an ex-military man, on the ground that the municipality has not removed the dumping ground and surrendered the land in question;

(d) whether the area applied for is required for dumping purposes; and

(e) what orders Government have passed or propose passing in respect to (1) the shifting of the dumping ground (2) the assignment of the area not required for dumping purposes to ex-service men?

A.—(a) & (e) (1) The hon. Member is referred to the answer given at the meeting of the Legislative Council held on 5th March 1925, to clauses (a), (b) & (i) of question 382. The Mangalore Municipal Council has passed a resolution stating that after considering the remarks of the Director of Public Health it is of opinion that the present dumping ground is the best available. The Government have decided not to interfere with the decision of the Council.

(b), (c) & (d) A petition dated 20th August 1925, from Mr J. C. Aranha was received and transferred to the Board of Revenue for disposal. The Government have no other information.

(e) (2) The Government have passed no orders.

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Vice-Presidentship of the Nellore District Board.

1206 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Vice-Presidentship of the Nellore District Board fell vacant about seven months back and has not been filled up till now; and

(b) if so, what the reasons are for not holding the election of the Vice-President till now?

A.—(a) & (b) The Government understand that the office of the vice-president of the District Board fell vacant on 14th March 1925. The majority of the elected members of the District Board vacated their seats at the same time and the election of vice-president was postponed until the elective seats were filled. After most of these seats had been filled the election was further postponed, in accordance with the request of the majority of the Board, for the election of representatives from the Nellore Taluk Board the question of which was under trial in a Civil Court.

A vice-president has since been elected and notified in the *Fort St. George Gazette*, dated 1st December 1925.

Industries.*State aid to industries.*

1207 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state—

(a) whether aid to industries by loans or otherwise has been given during the year 1922-23, 1924-25, 1925-26;

(b) how the aid was utilized by each of the concerns helped;

(c) what prospects there are of their benefiting themselves in view of the purpose for which the aid was asked for and of refunding the loans given;

(d) if the aid was misused or not used for the purpose for which it was given, by which of the industries helped was the above committed; and

(e) what action Government have taken or propose to take thereon?

A.—(a) No loan was granted during the year 1922-23; loans aggregating Rs. 4,59,600 were disbursed in 1924-25; during the current year a loan of Rs. 5,000 has been disbursed so far.

(b) & (d) The loans have been utilized for the purposes for which they were granted in each case with two exceptions. In one of the excepted cases the grantee has invested the money at interest as a short term loan pending the purchase of certain machinery for which time has been given in the loan order. In the other, the grantee has utilized a small portion of the loan for the erection of machinery though according to the terms of the order he should have utilized the whole amount for clearing the liabilities of the concern.

(c) It is too early to form any opinion as to the prospects of the benefit likely to accrue from the loans. The loans are advanced on adequate security.

(e) The case of investment referred to in (b) and (d) above cannot be regarded as a misuse of the loan money and the Government propose to take no action; while in the other case the

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Government have accepted the grantee's explanation that it was more urgent from the point of view of the concern to transport and erect the machinery that was lying in the Madras harbour than to clear off part of the liabilities.

Nomination of Mr. O. Tanikachalam Chettiyaar to the Madras Corporation.

[The hon. the President then called out question No. 1207-A ^a.]

MR. S. SATYAMURTI.—“On a point of order, Mr. President. Yesterday, when I asked you whether under the proviso to Standing Order 10 your consent had been obtained for putting this question at a shorter notice than seven days, you were good enough to give this statement as an *obiter dictum* that this discretion was vested in the President merely as a kind of formality, and that when the department concerned is willing to answer the question, the President should not stand in the way. Sir, any *obiter dictum* has been ruled by you to be not binding on anybody, not even on the person responsible for it. I venture therefore respectfully to submit, and I am sure you will agree with me, that in a normal case where a bona fide question is asked of the Government for merely getting some information which there is no other chance of getting in a reasonable time, the consent of the President to waive the notice is a mere formality. Whereas in this case, what are the facts? An adjournment motion was sought to be moved. You no doubt overruled it. But before that, the hon. Minister objected to the motion, thereby showing that he did not want to have an opportunity of stating his reasons. On an analogous occasion when my hon. Friend Mr. Krishnan Nayar wanted to move the adjournment of the business of the House in connexion with the Kalpathi incident, you overruled the motion, and at the same time at the request of the hon. the Law Member, you allowed him to make a statement on that subject to the House. I objected to that. You were then good enough to say that you had no right to allow that statement to be made, unless practically unanimously we agreed to that statement. Moreover, Sir, you will remember that on that occasion you were good enough to allow us to put supplementary questions, in order to elucidate the statement. It was perfectly open to the hon. Minister to have adopted one of these two courses, viz., he might have tabled a motion asking the approval of the Council for the nomination of Mr. Tanikachalam Chettiyaar to the Corporation of Madras, or he might have asked the leave of the House and your leave, as the hon. the Law Member did, for making a statement to the House. But what does he do now? It is neither of these two things. I do not want to use the word to which objection has been taken; but I should say that the method he has now adopted in having this question put bears a family resemblance to the line of action which he has been pursuing. I do not find in the question the phrase that it is ‘a fraud on the power of nomination’. I do not want to say that my hon. Friend Mr. Narayanaswami Pillai got the hint from the hon. Minister; but if he had really got the hint, he could not have done better. If you look at the form of the question, it will be seen that it is not for getting any information from the Minister. It goes on to say ‘with reference to the statement made by the hon. Member for the University’. If the hon. Member wants anything with reference to the statement made by me, I am the person, I submit, to whom the question must be addressed. I must be asked to state the reasons why I made that

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statement. But I am not allowed to make any statement, showing the reasons why I made the statement in question. The hon. Minister is asked to state the reasons. It seems to me that it is really giving the defendant an opportunity to destroy a case which the plaintiff was never allowed to make. Again, Sir, look at the form of the question. It is not asking the hon. Minister with reference to any action of the Government. The whole gravamen of the question is and the real operative portion of it is my statement. If, however, Sir, you are not willing to accept my reasons, but allow this question to be put and answered by the hon. Minister, by all means, let the hon. Minister make his statement. Then, it should be open to us, Sir, I submit, to make an adjournment motion regarding his statement or to ply him with supplemental questions. But, instead of that, simply to have this question answered will be to shut our mouths in regard to an important matter."

Mr. T. M. NARAYANASWAMI PILLAI :—" Sir, as the Member responsible for putting the question I should like to say that the question was not at all put at the instance of anybody or to oblige anybody. My idea in putting the question was this. Elections to the local bodies are about to take place in the mufassal and thereafter nominations will be made. Nomination of a candidate defeated in the elections is in a sense a constitutional impropriety. The presidents of the local boards, might take this as an example and nominate candidates who have been defeated in the elections. But if they come to know the reasons for this nomination, they might not be guided by this example. It is with that idea in mind that I put that question."

The hon. the PRESIDENT :—" With regard to the point raised by the hon. Member for the University that a reference has been made in the question to the statement made by him in connexion with the adjournment motion the other day, I think it is purely descriptive of the circumstances that gave rise to the question and it is no part of the operative part of the question. With regard to the other point whether hon. Members would be allowed to put supplementary questions when the hon. Minister has given out his answer, certainly, this being a question which is orally answered on the floor of the House supplemental questions would be in order."

Mr. C. RAMALINGA REDDI :—" Sir, since you have ruled this question to be admissible, I do not wish to deal with the point of order relevant to that subject. I was going to submit to you that the form in which it is put is one to which legitimate exception might be taken. But since it is too late to do that, I do not wish to proceed with that point. Evidently the answer to this question will be more or less in the nature of a statement by the hon. Minister and may I suggest to you, Sir, as a special case, that not only should some of us be allowed to put supplemental questions, but the hon. Member for the University should be allowed to make a counter-statement if he is so pleased. If this is done, I do not think there would be any complaint."

The hon. the PRESIDENT :—" It depends upon the form in which the answer is made. If the hon. Minister should make his answer in the usual form in which answers are made, I do not know how I can allow a counter-statement to be made."

Mr. C. RAMALINGA REDDI :—" May I point out, Sir, that the form of the question implies that the answer will be in the form of a statement?"

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The hon. the PRESIDENT:—"The hon. Member may wait till the answer is made"

Mr. C. RAMALINGA REDDI —"May I, Sir, draw your kind attention to the form of the question, viz., what are the reasons that urged the Government to nominate the person in question. It does not ask in the usual form, viz., whether the Government are aware of this fact or that fact in order to elucidate the factual information; but it is really a demand for the reasons which the Government had in taking a certain action. Naturally, I presume, the answer will be in the nature of a statement and nothing else. If I am right in my presumption, may I request you, as a special case, to give the gentleman concerned an opportunity of making his statement in public on the floor of this House."

The hon. the PRESIDENT:—"As I said before, my decision in regard to that will depend on the form of the answer."

1207-A. Q.—Mr. T. M. NARAYANASWAMI PILLAI. —"With reference to the statement made by the hon. the Member for University at the meeting of the Council held on 15th December 1925, that the nomination of Mr. Tanikachala Chettiyar was foreign to the purpose for which the power of nomination was vested in the Government, will the hon. the Minister for Local Self-Government be pleased to state what were the reasons for and the circumstances in which the Government made the nomination in question?"

The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I am glad the hon. Member for Trichinopoly has asked this question. I welcome the opportunity to make a statement on the subject of the nomination of Rao Bahadur O. Tanikachalam Chettiyar to the Corporation. In regard to that, I was myself anxious to make a statement in connexion with my proposed motion to question the parliamentary nature of the words, 'fraud on the power of nomination vested in the Government which is calculated to bring the administration of Local Self-Government into contempt and ridicule'"

The hon. the PRESIDENT:—"Will the hon. Minister confine himself to the terms in which the question has been asked?"

The hon. the RAJA OF PANAGAL:—"As regards the nomination of Mr. O. Tanikachalam Chettiyar, I dare say, the hon. Members are aware that about the 1st of November he had been elected president of the Corporation of Madras. In that capacity he has rendered valuable service to the City Corporation. It is admitted even by his political opponents including the present president of the Corporation whom I see before me on the Opposition bench, that during his presidency the administration of the civic affairs has been highly efficient. Speeches made at the entertainment given to Mr. O. Tanikachala Chettiyar by the City fathers bore testimony to the high esteem in which he was held by all the members of the Corporation on account of the meritorious service he had rendered to the country."

Mr. C. RAMALINGA REDDI:—"Was it at a tea party?" (Laughter.)

The hon. the RAJA OF PANAGAL:—"At an entertainment. Any one who reads those speeches would agree with me that some of the speeches amounted to a direct invitation to Government to nominate Mr. O. Tanikachala Chettiyar. I need hardly labour to impress upon the minds

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of hon. Members that even without that invitation the nomination of Mr. O. Tanikachala Chettiyar is absolutely due. He has studied the municipal problems so well that it would be a pity if his study is not utilized for the benefit of the administration of the Corporation of Madras."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" Question."

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The hon. the RAJA OF PANAGAL :—" Besides, he is also a member of the minority community which is contributing largely to the revenues of the Corporation. Sir, nominations to the local bodies are intended for the representation of minority communities and all those who are specially in a position to help the administration of the local bodies. If we bear in mind this principle guiding nomination, Mr. Tanikachalam Chettiyar must be said to be doubly deserving the nomination. Apart from this, he is a retiring president and Government have been nominating retiring presidents and chairmen of local bodies wherever these presidents and chairman expressed their desire to serve on those bodies. Mr. Tanikachalam Chettiyar expressed a desire to serve the local bodies. Why should I not show him the courtesy which he is entitled to as a retiring president? Am I to be scared by the anticipation of adverse criticisms from certain quarters from which I expect no better, and fail to take a step which I think is in the right direction? It is hardly necessary for me to say that I need not be so scared. What, then, is the objection to this nomination? One that is usually given out is that he was not successful in election at a particular ward. In this connexion I must bring home to the minds of hon. Members that there are wards with more than one thousand votes and there are also wards with less than 500 voters. The particular ward in which Mr. Tanikachalam Chettiyar stood was one with more than 1,200 voters and if my information is correct, he polled more than 300 votes. Are there not in the Corporation members who have polled less? There is nothing in the Madras City Corporation Act and the rules made thereunder to the effect that the candidates who are not successful in election should not be nominated. I do not understand why anybody should make a fetish of this non-success at the election. There have been many instances of defeated candidates being nominated."

Mr. S. MUTTAYYA MUDALIYAR :—" Is 'nonsense' parliamentary, Mr. President? "

The hon. the PRESIDENT :—" The word used was 'non-success'."

The hon. the RAJA OF PANAGAL :—" There have been many instances of nomination of defeated candidates in this Presidency and elsewhere. Only the other day such nominations were made in Mysore and in Burma. Are we to ignore other considerations on account of this non-success in elections? Are we to deprive the Corporation of the benefit of such men like Mr. Tanikachalam Chettiyar because they have not been able to succeed in particular elections? Sir, I think that the nomination of Mr. Tanikachalam Chettiyar is quite proper. If in spite of these facts there be anybody in a frame of mind not to admit the propriety, nay the absolute desirability of Mr. Tanikachalam Chettiyar's nomination, I must say that that frame of mind is due to prejudice. May I not once more quote the poet Bhavabhuti and leave it there? "

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Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I have the translation of it, Sir ? "

The hon. the PRESIDENT :—" It is not necessary for the elucidation of the statement."

The hon. the RAJA OF PANAGAL :—" If hon. Members are particular I will give them the translation of the verse. Says the poet : ' If anybody speaks ill of me, let him do so and show his knowledge. My venture is not to please him. I am sure there will be others born to think with me and feel with me. The world is wide and time is limitless '."

Mr. S. SATYAMURTI :—" Sir, I must congratulate my hon. Friend the Minister for Local Self-Government on having succeeded in getting an opportunity of making an ex parte statement on this nomination of Rao Bahadur O. Tanikachalam Chettiyar to the Corporation, in spite of our efforts. I congratulate him. It is a feat of which he may well be proud. But, Sir, now that the hon. the Minister has made a full statement not only of the reasons behind the nomination but also given this Council, to all whom it may concern, an ultimatum that so long as we permit him to be in charge of this portfolio, he will go on unrepentent making these nominations, trusting like Bhavabhuti not to the votes of this House, but to the future judgment of posterity. On that point I should like to suggest that there is a vital difference between poets and Ministers. Poets may well afford to wait for the verdict of time, but Ministers cannot and dare not, except in Madras where they are able to manipulate parties according to their pleasure. Ministers have got to lead and give an account from day to day, to contemporary human beings like themselves. It was alright for Bhavabhuti to talk like that."

The hon. the RAJA OF PANAGAL :—" Ministers are here to do their work according to their conscience and not merely to please the Members of this House. (Ministerialist voices: Hear, hear) If the Members of this House are not pleased with what they do, let the Ministers retire honourably rather than sit here and do things which are against their conscience."

Mr. S. SATYAMURTI :—" I am very glad to hear this appropriation of Bhavabhuti's mentality. I do not think, Bhavabhuti even for conscience' sake would have written his Uttararamacharita in a wrong way "

Mr. C. RAMALINGA REDDI :—" Are we, Mr. President, on Bhavabhuti or on Mr. Tanikachalam Chettiyar now ? " (Laughter.)

Mr. S. SATYAMURTI :—" Sir, my point is this. My hon. Friend, the Minister has raised a vital point, conscience versus the judgment of this House. And my hon. Friend is cheered by voices of 'hear, hear' from his side. I am asking this House whether the nomination of Mr. Tanikachalam Chettiyar is quite a matter of conscience of the hon. the Minister and that he should say, whatever the House may do or not, he will nominate him."

The hon. Rao Bahadur Sir A. P. PATRO :—" On a point of order, Sir, I wish to know whether the hon. Member is making a counter-statement or proceeding on a discourse—I am not able to understand him. It was suggested that if the hon. the Chief Minister made a

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statement you would consider whether it was a statement and would give permission to the hon. Member to make a counter-statement, if necessary."

The hon. the PRESIDENT:—"The question whether a speech is a statement or not is decided by the matter and not by the manner in which it is delivered. A statement having been made by the hon. the Minister, I am allowing Mr. Satyamurti to make a statement on his own behalf."

Mr. S. SATYAMURTI.—"I am much obliged to you, Sir. I am glad, Sir, I am occupying a back bench because when I come here, I find the Ministers constantly making remarks interrupting me. I hope I shall never occupy the front bench when these Ministers are here."

"My hon. Friend began by saying that an elected president if he is defeated in the elections has got a right to be nominated again to that council. I join issue with him there, for that is the negation of all local self-government. More than of any other member, it is expected of an elected member who is an elected president that he should consult the wishes of his electorate, be truly democratic, and consult the wishes of the House. According to my hon. Friend, what happens? The moment I am an elected president, I can snap my fingers at my electorate, at the Council, because I know that so long as I have got this Minister or his counterpart there, I can rely on him for nomination and nothing can touch me. It seems to me that it is a negation . . ."

The hon. the RAJA OF PANAGAL:—"Sir, on a point of order. The hon. Member says that a retiring president is being nominated as president. The fact is otherwise. It is not as president that I nominated Mr. Tanikachalam Chetti but it is as a member. He will have to go through the ordeal of standing for election to the president's place and it is only when he gains the confidence of the electorate, namely, the Corporation, that he can become the president."

Mr. S. SATYAMURTI—"This interruption is entirely superfluous and irrelevant. I am sure my hon. Friend would have nominated him as the president, but luckily he is not given the power. I do not make that charge now. My point is this. The president is president because first he is an elected member, then he is elected president. The fact that he is an elected member gives him a democratic status and gives the Council a guarantee that he will not defy the wishes of the Council or of the constituency, whereas if he has got the seat reserved for him always by nomination, it means that the moment that he is made president by election, he can snap his fingers at the electorate and at the Council. That seems to me to be a negation of all democratic local self-government."

"Then, Sir, he talked of the valuable services which Rao Bahadur Tanikachalam Chettiyar rendered to the Corporation. I know nothing about it, but I assume for argument's sake that he rendered very valuable services. Speaking for argument's sake, I presume, Sir, the hon. the Raja of Panagal claims that he has rendered valuable services to this Council and to this country, and supposing the improbable happens and he is defeated at the next elections, is he to go to the Government and say, 'I have rendered valuable services to this House; therefore, nominate me'? And is the Government to renominate him although he is defeated at the elections? According to that argument, Mr. President, all of us may come back because

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all of us believe, at least each one for himself, that he has rendered valuable services to the Council and the country, and would like to go with a petition to the hon. the Law Member, the Member in charge of the Elections portfolio

The hon. Sir C. P. RAMASWAMI AYYAR :—"Nominations are solely vested in His Excellency the Governor, Sir."

Mr. S. SATYAMURTI :—"I am very glad to hear that, Sir. Then all of us can wait on the Private Secretary and approach the Governor and say to him: 'We have rendered valuable services to the Council for three or for six years; unfortunately our valuable services are invisible in the eyes of our electorate, and that as they will not send us back, kindly nominate us to the Council'. That seems to be a proposition which no man who understands the A.B.C. of democracy can put forward or accept."

"Then, Sir, he referred to the speeches at the tea party given to this gentleman. I do not want to attach too much importance to these private courtesies. When this House is dissolved, some of us may arrange to give a tea party to the retiring Ministers and some of us may speak in glowing terms of their services, as mere pleasantries. And if Ministers are to take these post-prandial speeches as a compliment to them, I should warn my friends not to do these things, as there is the danger of such pleasantries being misused and noted as certificates of merit and efficiency, on the strength of which the Government can make the nomination of the same Ministers again!!

"Then, Sir, the hon. Minister talked of an invitation to Government to nominate this gentleman. I should like to know who did so, and why the invitation was accepted by this Government. The hon. Minister advanced a theory that he was an expert in municipal matters. Assuming, Sir, that he is, I believe that on almost every subject coming before this Council, there are experts among the permanent servants of the Crown. They are all to be nominated and there on that bench (pointing to the row occupied by Secretaries to Government in the Chamber) sit two or three gentlemen who are experts."

The hon. the PRESIDENT :—"Order, order. Reference to the Secretaries bench is not in order."

Mr. S. SATYAMURTI :—"Sir, I wish you follow it up by taking the suggestion to remove it altogether from the precincts of the House. But I will say this I will not refer to those who are sitting there. There are under the Government experts in local self-government, in medicine, in education; why not nominate all of them to this Council, when it becomes a theory of nominating experts apart from the rights of the electors? The strangest part of it is that this gentleman who is supposed to be an expert, who is supposed to have rendered valuable services, in a constituency which consists very largely of his own community, has been defeated. Now I ask the Minister what are the sources of his information of the valuable services, of his expert knowledge of municipal problems, apart from the sources of information to the electorate. Why did the electorate turn him down, if he is really an expert, if he has really rendered valuable services? May I not suggest that the electorate was a better judge than the Minister himself? If that is not so, none of us, I should say, has any right to be here for, if we really did not judge the merits of each candidate for election according as whether he is returned or not by the electorate, then it seems to me that the whole system of elections is a farce."

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noon.

"Then, Sir, he referred to this: that he was of a minority community. This statement took my breath away. Where are these communal differences to stop in this Presidency? We have Brahmans, Non-Brahmans, Adi-Dravidas, Muhammadans and Christians. Are we to have again, minority communities among the Non-Brahmans themselves? And if this is so, what becomes of this slogan of the 'non-Brahman'? Is it a kind of political unity only for Brahman-baiting, but when it comes to the question of the distribution of patronage among themselves, each community is to be allowed to develop its own individuality, and each community is to be allowed to enjoy separate rights, separate privileges and so on? And what is this minority community now in question? I believe he refers to the fact that this candidate belongs to the Beri Chetti community. The only basis for nomination for the representation of minority communities is this I take it—I hope he will correct me if I am wrong—that the members of any particular minority community are not represented sufficiently largely in the electorates, so that they cannot by exercising the franchise, get their own man returned. Assuming that this contention is correct, in this case, the facts are that more than half of this electorate belong to this community (Voices: 'No, no'), and if roughly half belong to his community (Voices: 'No, no'), I should like to know why his own community refused to return him to the Corporation. Does the hon. Minister mean that that community is to be represented by one whom they do not want and whom they have not elected? But the hon. Minister's argument proceeds upon that. It seems to me, talking of minority representation, that the minority need not be represented by a man belonging to that minority community. The minority may be represented by a man in whom the community has got confidence. When this particular minority community has placed its confidence in Mr. Burra Satyanarayana, the hon. the Minister says 'I know better what is good to you than you do, and therefore I will foist upon you one whom you did not elect and whom you do not want, for giving you representation'. It seems to me the most unsound argument. Then, Sir, he referred to this fact; that he has been nominating defeated presidents. May I ask why Diwan Bahadur P. Tirumala Pillai, an elected president who was subsequently defeated in the elections, was not nominated to the Corporation? (A Voice: 'He did not ask for it'). Had he to express his desire for renomination? It seems to me that it was a shameful confession on the part of the Minister to make that he would publicly encourage applications from defeated candidates for nomination, and tell one President 'I shall not nominate you, unless you apply'. What has Local Self-Government come to, Sir, that the hon. Minister in charge should publish, as in the case of clerks and other officers, an advertisement such as: 'applications are invited for nominations of defeated candidates. Those who are qualified may apply'. Then, Sir, he said there is nothing. . . ."

The hon. Rao Bahadur Sir A. P. PATRO:—"Is the expression 'shameful conduct of the Minister' parliamentary, Sir?"

The hon. the PRESIDENT:—"In what connexion was it used? He said that the confession was shameful, not the conduct." (Laughter.)

Mr. S. SATYAMURTI:—"I hope that when next the hon. Member rises to a point of order, he would do me the courtesy of listening to what I actually say. Then, Sir, the hon. the Minister advanced a strange argument by saying that there is nothing in the Act to prevent his nominating Mr Tanikachala Chettiyar. I must sympathise with Sir P. Rajagopala

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Achariyar who was in charge of the City Municipality Bill, because he could never have anticipated that this thing would happen. He would have expected that the Act would be worked or applied in a normal way by normal men, and he would not have anticipated such a thing. If so, he would have put in a clause to the effect that defeated candidates shall not be nominated. Well, what does the Act say? The Act says that the power of nomination shall be used for the representation of Muhammadans and other minorities.' And every law"

The hon. Mr. T. E. MOIR :—"On a point of order, Sir, may I read to the House the exact words of the Act? ' . . . appointed by the Governor in Council who in making such appointments shall have regard to the representation of Muhammadans and other minorities.' As stated by the hon. Member incorrectly, it gives an entirely different meaning to the Act. It is as well that the House on a point like this should know and have before it exactly what the Act says."

Mr. S. SATYAMURTI :—"I accept the wording, Sir. I never knew that the Reserved half was supporting the Transferred half in this matter."

The hon. Mr. T. E. MOIR :—"I raised a point of order, Sir."

Mr. S. SATYAMURTI :—"I am relieved to know it, Sir. The Act says that he shall have regard. . . ."

The hon. Mr. T. E. MOIR :—"On a point of order, Sir, it says 'shall have regard', not 'can have'."

Mr. S. SATYAMURTI :—"Shall have regard means shall have regard. The hon. Member's point is like trying to differentiate between Tweedledom and Tweedledee. I say that you must appoint Muhammadans or minorities. The Act says 'shall have regard' but not 'shall have disregard' or 'shall disregard'."

The hon. Mr. T. E. MOIR :—"On a point of order, it seems to me that what the Act states is that it is one of the considerations which the Governor would have to determine or take into account when he makes nominations. But the construction of the Act that that is the only consideration or ground upon which such nominations can be made is not correct."

Sriman SASIBHUSHAN RATH Mahasayo :—"What is the point of order, Sir?"

Mr. S. SATYAMURTI :—"That is a point of interpretation, Sir, but I still maintain, in spite of the Finance Member's chivalrous defence of the hon. the Raja of Panagal, that this nomination is not consistent with the purposes for which the power of nomination is vested in the Government under the Act. Under the Act, it is intended only to protect the rights of minorities like Muhammadans. Then, Sir, he said 'Why should I care? If in an electorate of over 1,100 voters, if about 300 did vote for Mr. Tanikachala Chettiyar, why should I not nominate him?' I am not surprised at that argument of the hon. the Raja of Panagal, because his votes are only 76 and he carries the votes of all his electors in his pocket. To him, 300 appears to be a large number, but many of us here represent tens of thousands of electors. It took away our breath to be told about this big number of 300 or more votes when the total is over a thousand, and that these votes of defeated candidates are to be counted in nominating them. I thought it was only in Government

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services that such expressions as 'failed Matriculates', 'failed Secondary School-Leaving Certificates', 'failed F.A's' and 'failed graduates' were existing. This is a new class of people that we hear of, namely, 'failed candidates'. They say they have got 300 votes and therefore ask for nomination.

"The only other point I should like to urge is this. The hon. the Raja of Panagal says, 'I can wait for the verdict of time to justify this'. This House cannot, shall not justify this action, and even time cannot justify an obviously unjust act. He intended to put a man who belongs to his party in the office. That is the sting of the offence. If Mr. Tanikachalam Chettiyar did not belong to his party, probably the nomination would not have affected the Minister seriously. But one knows that he is a member of that party and he has nominated him for the purpose of consolidating that party, telling him 'Whatever happens to you, whatever the electorate may do, so long as I am here, I will see that you are there'. And that is what he wants, and that is the corrupt basis on which the party is built up. It is that to which we object. He quoted the poet Bhavabuti as saying उत्पत्स्यते मम तु

कोऽपि समानधर्मा कालो ह्ययं निरवधिर्विपुला च पृथ्वी in support of his point. I shall tell the Minister in the words of the same poet युक्तः

प्रजानामनुरञ्जने स्याः तस्माद्यशो यत्परमं धनं वः. You must after all, follow the advice of the people, try to do good to them. That way lies fame, that way lies good; do not ride off on the plea of a poet who was then afraid of not being appreciated, but who has been since appreciated; let the hon. the Raja of Panagal remember that he cannot emulate Bhavabuti and try to trample on the principles of democracy; but he must abide by the verdict of the people."

The hon. the PRESIDENT:—"The hon. the Raja of Panagal's statement having been met by the counter-statement of Mr. Satyamurti, I would now allow supplementary questions."

MR. SAMI VENKATACHALAM CHETTIYAR:—"May I say that he referred in his speech to me. . . ?"

The hon. the PRESIDENT—"Will the hon. Member put supplementary questions?"

SRIMAN SASIBHUSHAN RATH Mahasayo:—"May I know if there are other suitable men in the Berichetti community who could have been nominated to the place?"

The hon. the RAJA OF PANAGAL:—"So far as the knowledge of the Government goes, Mr. Tanikachalam Chetti is about the best among the Berichetti community to represent them in the Corporation."

SRIMAN SASIBHUSHAN RATH Mahasayo:—"Will the hon. Minister be pleased to say whether Mr. Kandaswami Chetti, the brother of Mr. Tanikachalam Chetti, is ever regarded as a suitable person?"

MR. SAMI VENKATACHALAM CHETTIYAR:—"May I request the hon. the Minister to quote me *in extenso* as to what I have said with regard to the efficiency of the service which Mr. Tanikachalam Chettiyar has rendered to the Corporation?"

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The hon. the RAJA OF PANAGAL :—" His speech has been reported in the newspapers and those who are interested to have read it, can do so. "

Mr. SAMI VENKATACHALAM CHETTIYAR :—" The hon. the Minister has said that I have expressed in my speech some opinion, that I eulogized the efficiency of his services to the Corporation. Will he be pleased to point out now wherein that statement is contained? So far as I remember, what I said was that he was a gentleman of sturdy independence and of upright character, which I suppose the hon. the Minister would not deny. Beyond these words, I do not see anything . . . "

The hon. the PRESIDENT :—" I am waiting for the question."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" The question is, would the hon. Minister be pleased to place before the House *in extenso* what I have said in regard to the efficiency of Rao Bahadur Tanikachalam Chettiya's services? "

Mr. A. RANGANATHA MUDALIYAR :—" May I ask whether the hon. the Minister has or has not issued a circular that defeated candidates should not be nominated? "

The hon. the RAJA OF PANAGAL :—" They should not be nominated as far as possible."

Mr. R. SRINIVASA AYYANGAR :—" May I ask whether he is aware of the fact that the Act makes no provision for the reservation of any seat for the outgoing or retiring president? "

The hon. the RAJA OF PANAGAL :—" It is generally."

The RAJA OF RAMNAD :—" May I ask the hon. the Minister whether he is aware that Dr. Nayar was nominated in the pre-reform days to the Madras Corporation when he was defeated in the election? "

The hon. the RAJA OF PANAGAL :—" Yes."

Mr. S. SATYAMURTI :—" May I ask the hon. Minister whether it was not before 1919, when we had not the new dispensation? "

The hon. the RAJA OF PANAGAL :—" It was before 1919."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know if besides Dr. Natesa Mudaliyar, any other Councillor had invited the Government to nominate Mr. Tanikachalam Chettiya to the Corporation? "

The hon. the PRESIDENT :—" Order, order. In no portion of the statement of the Raja of Panagal did he allege that the Government received any invitation from any individual, but said that they looked upon the speeches as an invitation to the Government."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know if from the speech of any other Councillor than Dr. Natesa Mudaliyar there was any indication to the Government inviting them to nominate Rao Bahadur Tanikachalam Chettiya? "

The hon. the RAJA OF PANAGAL :—" Yes, Sir, there was an implication. Dr. Swaminathan suggested his nomination, and if I remember right, the present President also made a statement that he would be glad to see him again in the Council."

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Mr. SAMI VENKATACHALAM CHETTIYAR :—" As an elected representative, I did say that."

The hon. the RAJA OF PANAGAL :—" I do not think he said that he should be there by election."

Mr. SAMI VENKATACHALAM CHETTIYAR :—" It is necessary for me to ask for the statement that he says I made *in extenso*. I may further say that I was careful to add 'as an elected representative'."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether it is not a fact that the Berichetti community of which Mr. Tanikachalam Chettiya is a member is numerically the strongest community in the ward?"

The hon. the RAJA OF PANAGAL :—" I do not think so, Sir."

Mr. A. RAMASWAMI MUDALIYAR :—" May I know if it is not a fact that out of over a thousand electors, the Berichetti community has a strength of 287 numerically speaking?"

The hon. the RAJA OF PANAGAL :—" Yes, Sir, that is my information."

Mr. C. RAMALINGA REDDI :—" May I ask the hon. the Minister whether his interpretation of 'minority community' is that it is not a majority community, that it has not got a majority of its own members on the electorate?"

The hon. the RAJA OF PANAGAL :—" Sir, in this particular instance the community has not only not had its own majority in the ward, but forms comparatively a small minority in the city."

Mr. C. RAMALINGA REDDI :—" I do not think that the hon. the Minister quite appreciated my question. If he means by a minority community any community which has not got a majority of its own members on the electorate, and if that is the definition, is there a single community in India which, relatively to the whole population or to the voting register, has got a majority of its own and hence can only be regarded as *not* a minority community. If so, is there any meaning in saying minority interests shall be safeguarded by nomination when according to this doctrine anybody and everybody would be included in the term 'minority community'?"

The hon. the RAJA OF PANAGAL :—" It is a general question. However, I know there are communities who have a majority of their own in particular wards."

Mr. C. RAMALINGA REDDI :—" Is it a fact that in this particular electorate it is that the Berichetti community has the largest number, and that even in this electorate they have not been able to return a Berichetti representative?"

The hon. the RAJA OF PANAGAL :—" Yes."

Sriman SASIBHUSHAN RATH Mahasayo :—" May I know whether any other single community has got such large number of voters as the Berichetti community in that ward?"

Rao Bahadur C. NATESA MUDALIYAR :—" May I know whether it is not a fact that Swaraj Councillor after Swaraj Councillor got up and said that on account of the extraordinary capacity of Rao Bahadur Tanikachalam Chettiya . . .?"

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The hon. the **PRESIDENT** :—" Order, order, the hon. Member is repeating a question which has been put before."

Mr. C. RAMALINGA REDDI :—" May I ask my hon. Friend once again to state whether his principle is that the moment a candidate is defeated, that must be regarded as a defeat for the community to which he belongs on the ground that the people of that community will only vote for him, and if the community happens to be in a minority in a particular voting register, the defeated candidate should be regarded as one eligible for nomination for representing that community ? "

The hon. the **RAJA OF PANAGAL** :—" I think it is a hypothetical question, and I am not prepared to answer it."

Mr. C. RAMALINGA REDDI :—" My. hon. Friend in his statement based his action on a principle which obviously leads to the conclusion that any member of any community can be regarded as belonging to a minority community since no community can relatively to the whole population be a majority community. I wish to know whether he will proceed on that basis and interpret minority interests as meaning the interests of every one who is actually defeated in an election, because a minority community is one which, speaking generally, has no chance at all of coming through an election ? "

The hon. the **RAJA OF PANAGAL** :—" Yes, Sir, in this particular instance it has been represented to the Government that this community has no chance of sending its own representative. There have been also other instances where other communities have been recognized as belonging to minority communities. For instance, one place has been given to the Nagarathars on the Corporation as well as in this Council. The Nagarathar community is considered to be a minority community both in this Council and the Corporation."

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Mr. C. RAMALINGA REDDI :—" I want to put only one question. I thank the hon. Member for the definition of the minority communities as communities which have no chance of sending their own representatives. Obviously Mr. Tanikachalam Chetti was elected twice and he would not have stood as a candidate if he thought he had no chance. Why then did the hon. Minister nominate him ? If it was necessary to nominate some one from that community, would it not have been better to choose one who had been out of it whatever may be his services ? "

The hon. the **RAJA OF PANAGAL** :—" The circumstances that led to the nomination of Mr. Tanikachalam Chetti were these. He belonged to a minority community. He was a retiring president to whom Government generally showed the courtesy by nominating him. Moreover, Mr. Tanikachalam is one who has paid special attention to the study of municipal questions. For these three reasons he was nominated."

Mr. C. RAMALINGA REDDI :—" Will Government nominate always ex-presidents ? "

The hon. the **RAJA OF PANAGAL** :—" If they are specially qualified and if their administration of the board was considered to be meritorious, they will be nominated."

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Mr. SAMI VENKATACHALAM CHETTIYAR :—" I would just like to preface by one or two sentences because it is difficult to bring my ideas within the range of a question. You would appreciate my difficulty when I explain. There are nine seats reserved for nomination by Government. Once in three years these nominations are made. Once in three years there may exist three defeated presidents."

The hon. the PRESIDENT :—" I do not think the hon. Member need be so very pessimistic " (Laughter.)

Mr. SAMI VENKATACHALAM CHETTIYAR :—" May I know, Sir, why the President of the Corporation of Madras was not consulted in this nomination?"

The hon. the RAJA OF PANAGAL :—" I have already stated that Government would consider each case on its merits."

[*Notes.*—An asterisk * at the commencement of a speech indicates revision by the Member.]

II

MOTION FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE TO DISCUSS THE HARTAL AT TADPATRI.

12-30
p.m.

* Mr. SAMI VENKATACHALAM CHETTIYAR :—" Under Standing Order 20, I beg to make a motion for the adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, to wit, the hartal of all shopkeepers and merchants in Tadpatri from the 15th instant brought about by oppressive taxation levied by the Chairman of the Municipal Council. In making this motion, I am quite aware that the Council is hard pressed for time, and if the hon. the Minister for Local Self-Government makes a statement that he would make enquiries with regard to this affair, I am willing not to press it."

* The hon. the PRESIDENT :—" The hon. the Minister for Local-Self Government is not in his place. Is any other Minister going to say anything on his behalf?"

* The hon. Rao Bahadur Sir A. P. PATRO :—" We will enquire into the matter. My hon. Colleague the Chief Minister will look into the matter."

* The hon. the PRESIDENT :—" An enquiry will be made into this matter which forms the subject of this adjournment motion. Is the hon. Member going to press it?"

Mr. A. RANGANATHA MUDALIYAR :—" Am I to understand, Sir, that the Government is altogether ignorant of that hartal at Tadpatri?"

* The hon. the PRESIDENT :—" Order, order. That question does not arise."

* Mr. SAMI VENKATACHALAM CHETTIYAR :—" In view of the hon. the Second Minister's statement on behalf of the Minister for Local Self-Government, I do not make the motion."

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III

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1925-26.

Grant VII.

* The hon. Sir C. P. RAMASWAMI AYYAR: —“ Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move—

‘ *That the Government be granted an additional sum of Rs. 1,34,000 under “Irrigation—Reserved—30-R (a)—Scientific Department—Hydro-Electric Surveys—Supplies and Services—General—Miscellaneous”.* ’

“ I may mention at once that in the year 1922 a concession was given to certain persons and one of the conditions of that concession was that within 18 months after the grant of the concession they should start a company and within two years thereafter they ought to start the works and if they so start the work they will have the right to enjoy the concession for 50 years and the Secretary of State can cancel the concession only at the end of those 50 years. Now, we obtained the opinion of experts on the matter, and we find that the best mode of approaching this problem of hydro-electric enterprise would be to make a beginning with Pykara and therefore it was resolved to repurchase the concession as regards the Pykara falls. I need only read my explanatory note which describes this matter very fully, which is—

‘ Under the orders in G.O. No. 257-1, dated 18th October 1922, a concession was given in June 1923, to Messrs. Alfred Dickinson and B. D. Richards, on behalf of a Syndicate formed of them, Messrs. Balfour Beatty and Co. and the General Electric Company, Limited, London, to make use of the water in the Pykara and Avara Halla rivers in the Nilgiri district for the generation of electrical energy for industrial purposes. The concession specified terms for the formation of a company and for the execution of works and also provided for an option of purchase by the Secretary of State after 40 years. Subsequently, as was explained in the Legislative Council in March 1924, the Government decided to embark on a definite forward policy in the development of hydro-electric schemes throughout the Presidency and in pursuance of this policy they wished to take up the Pykara project themselves as it appeared to be one of the most promising of the various schemes proposed.’

“ I am also in a position to assure the House that during the next budget season sanction will be asked of this hon. House for a sum of Rs. 10 lakhs to be met by loan from the Government of India with which this project can be initiated. When that is sanctioned by this House, this money I am asking for will go into that sum because it is part of the preliminary expense of the enterprise. The note then reads :

‘ Negotiations were accordingly initiated for the purchase of the concession. They were carried on through the good offices of the Power Securities Corporation, Ltd., London, and have now issued in an agreement to purchase for £ 10,000. An additional allotment of Rs. 1,34,000 is therefore necessary. This figure takes into account both the expenses incurred by the Syndicate in their investigation of the project and the prospective value of the concession.’

“ I invite the special attention of the hon. Members of this House to what I am going to read :

‘ Estimates have now been prepared in detail by the Chief Engineer for a scheme to generate 25,000 kilowatts at Pykara and to supply power to the Nilgiris, Coimbatore and Madras City (as well as intermediate places) ; and they show a probable return of about 11 per cent on a total capital outlay of about 2 crores. These estimates have not yet been finally considered by Government, but they indicate that the concession is well worth buying at the price. The proposal has been accepted by the Finance Committee.’

“ I may say here that in Mysore they realize a return of about 8 to 9 per cent. So, I move for the supplementary grant.”

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Rao Bahadur C. NATESA MUDALIYAR :—" May I know whether the supply of electric energy from that place will be much cheaper than what we now pay for ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Certainly, our maximum will be 1 anna per unit. But the present rate is 4 annas. In Mysore, I think, they are selling it at 8 pies."

Mr. C. RAMALINGA REDDI :—" I think, they have enhanced it recently."

The hon. Sir C. P. RAMASWAMI AYYAR :—" Perhaps."

The Demand was put and passed and the Grant was made.

Grant XXV.

* The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Sir, on the recommendation of His Excellency the Governor, I beg to move—

' That the Government be granted a further sum of Rs. 33,616 under " Fisheries—Transferred " for the purchase of a trawler for deep sea fishing experiments . '

" In August last, the Legislative Council was pleased to sanction a sum of Rs. 34,100 towards the purchase of a second-hand trawler for deep sea fishing. But subsequent correspondence with the High Commissioner for India now shows that the prices have risen and that where we expected to have to spend Rs. 55,660 we shall have to spend Rs. 1,47,716, because the price of the plant has risen considerably and so also the other items. As it is better to take time by the forelock, I brought this matter urgently before this Council and request that the further sum of Rs. 33,616 I ask for may be granted."

* The hon. the PRESIDENT :—" There is a motion on the paper in the name of the hon. Member, Mr. Pantulu Ayyar, to reduce the allotment by Rs. 100. If the hon. Member wants to move it, I must rule it out of order. Because the particular item under which the Member in charge has moved for this grant relates to Fisheries—Transferred, and Mr. Pantulu Ayyar wants to move his amendment with a view to discussing the industrial policy of the Government bearing direct reference to the Shiyali Co-operative Industrial Society, Tanjore district. It is certainly not relevant. I shall, of course, allow speeches to be made in regard to the grant."

* Mr. S. SATYAMURTI :—" I expected the hon. the Minister's speech will contain the reasons justifying the expenditure. I remember having read in a commercial journal—I do not remember the name just now—that, while they congratulate the Government of Madras for starting this enterprise, they feel doubtful whether Government have assured themselves that this will be a commercial proposition. I should like to have some light on this matter. We are spending a fairly decent sum of money, and I should like to know from the hon. the Minister whether he had made any inquiries, or whether he has been advised by the experts that this deep sea fishing can be made a profession for a large number of fishermen in our country, whether there is a demand for all the fish, and whether arrangements are made for preserving the fish after catching them, so as to be sold readily in the market. Our experience of these fisheries in the past has not been very fortunate. So, I should like to have information on these two matters, viz., firstly, whether Government have satisfied themselves about the commercial soundness of the

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[Mr. S. Satyamurti]

matter, and, secondly, whether Government have made arrangements for the proper stocking and selling of the fish when they are caught."

Mr. C. RAMALINGA REDDI :—" With reference to this matter, I should like to observe that the Legislative Council is in a somewhat difficult position. On a previous occasion we voted a certain amount in order to carry out these researches. Now, the hon. the Minister comes with another demand and says that the original estimates have been enormously exceeded. It does not appear to me to be likely at all that this project will ever become a commercial success. I understand that these researches will be carried on for a period of at least three years, and it is conjectured that by these researches it will be possible to locate new sources by having recourse to what is called deep sea fishing. The hon. the Member for the University just now observed that all this large catch, even if it turns out up to expectations, would not be of any use to the people unless the modes of preserving the fish and of their transportation are also developed. It does not at all appear to be clear that the department has directed its attention to these correlative projects and has made any provision at all for giving the requisite training to our people. My hon. Friend also said that he wished to know whether our fishermen would be directly engaged in this deep sea fishing. From the little I know of this matter, I am of opinion that deep sea fishing is generally embarked upon by large companies with millions of pounds for their capital and by companies which are able to bring into operation the latest methods and most up-to-date plant, both with respect to the actual catching of fish and the subsequent operation of preserving and of transportation and the rest. It seems to me that there is likely to be no scope for an enterprise of this kind being undertaken in South India by private agency. It is inconceivable that Indian companies strong enough to finance an enterprise of this kind will ever be floated. It also seems to me that Government themselves cannot undertake an enterprise which may cost in capital some crores of rupees.

" Under these conditions, I would appeal to my hon. Friend the Minister for Development, though he might obtain a vote to-day, to reconsider the whole matter before throwing the whole of this money into the deep sea which is the only thing that would result from this enterprise. This is a highly technical subject. We can get information as regards capital expenditure to be incurred by corresponding either directly or through the High Commissioner's office with the experts at Aberdeen and other places. Our recent experience in this fisheries line has not been very successful and I do not think anybody could view a project of this kind with optimism. I am perfectly certain that this is going to be a ghastly failure although I appreciate the motive underlying the demand, viz., to try and investigate the possibilities in this direction. I do not consider that we need spend such a large sum on this scientific research. But if the Madras Government is really rich enough to contribute to the general knowledge on this subject by providing two or three lakhs and by also bearing the recurring expenses, the exact extent of which has not yet been worked out by the department, by all means let them do so. But the department of Development which deals with this matter merely as a business proposition must certainly look into the whole matter, and I would earnestly request the hon. the Minister not to press for this. I do not know whether he has any idea of the capital employed by these big firms dealing with deep

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sea fishing and the trawlers required or the cost of trawlers and the upkeep of the crew. After all, I do not know what he proposes to do with the fish that would be caught to get sold. At present the demand for fish in India is more or less of a stationary character. For various reasons fish caught in the sea could not be taken into the interior. So, the first thing that has to be done is to popularize them and cure them. Then again we all know that the good part of the fish caught in the West Coast is used as manure, guano manure. I do not wish to minimize the use of fish manufacture, but the primary use of it is for human consumption, and that purpose is diverted into other purposes. The people seem to be forgetting the use for which fish has been created. If we had not already committed ourselves to it, I would have objected to this. But when once we have proceeded with it, I would only ask the Minister not to throw away good money after bad. I expect he would reconsider the whole matter, and I hope he will come and tell us after investigation that he thought it best to abandon the project. It would be a courageous course and a wise course also for the Minister to adopt. I am also sure that this Council will acclaim his decision."

Mr P. ANJANEYULU :—" So far as our experience in this matter goes, I really do not know whether fishing has been of any use from an economic point of view, possibly there is more angling than fishing. Even the fish that we catch we are told by experts have remained for seven years without a sale, and after that period of seven years tens of thousands of tins have been destroyed, and according to the figures recently submitted we find that millions of fish are still on hand. Therefore it would appear that we are not very good either at angling or at fishing."

* The hon. the PRESIDENT :—" Which angling does the hon. Member mean ? "

Mr. P. ANJANEYULU :—" Deep sea angling, Sir."

* The hon. the PRESIDENT :—" No, we never angle in deep seas."

Mr P. ANJANEYULU :—" I am using it metaphorically, Sir. Only the other day we voted for a large amount of money which probably has been spent on this not a very good bargain and we possibly sustained some loss. Under these circumstances, unless the whole thing is held up now and the matter fully investigated and put on a sound basis and on business lines, I for one should think that it is really throwing our money away."

* The hon. Diwan Bahadur T. N. SIVAGNANAM PILLAI :—" Sir, the main objection that has been taken is whether it is commercially a profitable concern. As regards that point I would say that according to the figures worked out by the Director of Fisheries, we could get a profit of forty-five thousand rupees per year, and according to even a more conservative estimate the profit is put down at Rs. 25,000. Another objection that was raised is the difficulty in marketing the produce. As it is, the facts that we have collected are that about 75 to 90 per cent of the population of the country will eat fish if they can get it, fresh or cured, at a reasonable price. The supply in the interior is of the scantiest and of the most insufficient character. Owing to the large demand and the high prices demanded, most of the cured fish is exported to Ceylon, Burma, Federated Malay States and beyond. It is on account of this that at no time has there been any complaint whatsoever that the catches have exceeded the demand. Indeed in what may be called a 'favourable' year the catches, e.g., of sardines and mackerel on the West

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Coast may even be one hundred times more than in a lean year and still the catches invariably find a ready sale as fresh or cured fish or at the worst for conversion as oil and guano, and the fishermen and the traders are equally profited. It must also be remembered that even if a deep sea fishing fleet were to come into existence as a result of our success the chances are that this will take several decades and the catches landed would not even approach the quantity now captured in a favourable sardine or mackerel year. Such abundant years are however scarce depending on fortuitous circumstances which favour the approach of the shoals close inshore within the reach of the Malabar canoe and the aim of the department is to enable the fishermen even in lean years to land a sufficient supply of fish as the present supply is far from adequate to the demand that exists in the country and outside. As a matter of fact the development of a deep sea fishery industry in the province will take several decades during which not only western methods of capture but western methods of preservation and transport will also be developed hand in hand so that the chances of a local glut will be extremely remote and more people in the interior will be able to obtain a steady supply of fish. Whatever cannot be sold fresh or cured will be of course immediately taken up by oil and guano factories which at present work to their maximum capacity only once in five or six years, i.e., in years of abundance."

Rao Sahib P. V. GOPALAN :—"Sir, I welcome the proposal which has now been placed before this hon. House. I have already commended this when the hon. the Minister came last with a similar motion for deep sea fishing trawler and then I pointed out the different ways in which the introduction of the trawler on the West Coast will benefit the fisher folk. One method would be the transporting of salt intended for the purpose of curing fish in this trawler from Tuticorin to Malabar. Just at the time when the Government of India reduced the price of salt from Rs. 2-8-0 to Rs. 1-4-0, our Government have increased the price from Rs. 1-4-0 to Rs. 2-8-0 and when questioned the reason given to us by the Government was that they could not afford to keep the yard establishment at Government cost and at the same time to give duty-free salt. Now if we have a trawler it will be useful to reduce the price. I have also tried to indicate that instead of Government chartering steamers for the inspection of the Laccadives and other islands, if we have the trawler it could be used for that purpose. Last but not least the Government have not so far done anything worth mentioning in the way of marine scientific research work. And nothing really useful has so far been turned out by the very small Research station the Department has at West Hill. Sir, we are aware of the recent cyclone disaster that occurred in the West Coast and ever so many fishermen have died and many boats were destroyed. We have practically no launches or any other vessel arranged by the Government for saving their lives. If we now have a trawler that will be one of the means for saving human lives in case we have any more cyclone or bad weather and calamities of the kind we lately had. I request therefore that each and every section of this House would support this demand, and if a trawler is introduced on the West Coast it would be one of the very best means of ameliorating the present economic distress of the depressed fisher folk."

Diwan Bahadur P. O. ETHIRAJULU NAYUDU :—"I stand to give my support to this matter. All I wish to say is that the Government should

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not make another mistake this time at least. On the previous occasion a trawler was purchased at a cost of about 3,000 pounds and it was condemned for being put into sea. And the mistake was located to an officer of the Government who had just then retired. I hope when a trawler is purchased for the West Coast there would be another purchased soon for the East Coast also. I only want to give the caution that a similar mistake may not be made by the Government."

* Mr. V. PANTOLU AYYAR :—" Yesterday we were told that more than 150 thousand tins are yet waiting without consumption and about 10 thousand tins of fish have been altogether thrown into the sea probably in the intention that they may come back to life again if they can. This seems a rather interesting experiment. If the people really had a need for it surely there should have been a sale for all this fish. Sir, here is a Co-operative Agricultural and Industrial Society, Limited, in Shiyali waiting for an allotment to carry out a very good work of preparing manure for consumption in the district of Tanjore. It would add to the stock of the yield, and instead we are at this position seeking to finance a scheme for the wholesale destruction of life."

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Mr. K. UPPI SAHIB :—" May I know from the hon. the Minister whether the Government in any of the other provinces has made such experiment and it has proved a failure ? "

* Mr. V. PANDRANG ROW :—" Mr. President, Sir, I only wish to answer a few points raised in the course of the debate. Mr. Satyamurti, the Member for the University, wanted to know whether this was a commercial proposition. I presume what he wanted to know was whether this was going to bring a profit to the Government. I must say that we do not anticipate immediate profit but we look to the ultimate profit to the people ; and besides there is the possibility of developing the fishing industry on right lines. This is a great task and requires a certain amount of experiment. And every experiment involves a certain amount of risk. But we have tried our best, and have taken every precaution against making mistakes this time. I know that the unfortunate experience we had with the last experiment has given room justifiably in the minds of some members to look askance at the proposal of going in for a fresh vessel. I ask my hon. Friends to remember there is no reason why because a mistake was made we should never be trusted again or that the making of one mistake must lead us to drop the experiment like a hot potato.

" As regards the question of treating the fish after their being caught, I may assure the hon. Member for the University that this is a problem that has been engaging the attention of the department even from the days of Sir Frederick Nicholson."

Mr. C. RAMALINGA REDDI :—" May I ask my hon. Friend if he is satisfied that the present position with regard to canning experiments is likely to make things better ? "

* Mr. V. PANDRANG ROW :—" I am coming to those things presently. I hope I shall not be dragged into a debate on fish-canning itself. The hon. Member for Chittoor has condemned the scheme itself, but towards the end he relented, and I believe he has been only speaking daggers and will not hse any. Our aim is, no doubt to develop profitable industries--not necessarily profitable to the Government in the sense of bringing adequate

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revenue—but in adding to the wealth and the subsistence of the people. And in a task of this kind a certain amount of preliminary investment is necessary. I do not think my hon. Friend will deny us the opportunity of trying to find a solution to this great problem. Agriculture offers one field; the other is fisheries; and improvement has to go on in both fields. We have been engaged in many schemes in the field of agriculture and, though to a less extent, in the field of fisheries. The task is difficult. There is no need to lose heart simply because a mistake may be made here and there. It is not that I am admitting that mistakes have been made, because even in fish canning, if a suitable opportunity is forthcoming, I shall be able to convince my hon. Friends that it is not such a hopeless business as it is believed to be. Unfortunately, the idea of fish keeping for a long time seemed so ludicrous to some hon. Members that they would dismiss the whole concern almost as a joke. I may say this, that the French manufacturers of canned fish, canned in oil, deliberately keep these cans in stock for two years, thereby losing the interest on the capital, and taking up godowns, simply to enable the fish to be infused the deeper in the oil. Well, truth is sometimes stranger than fiction. Anyhow, if any hon. Member will take the trouble to go into the question with the attention which it deserves and then come to a conclusion, I shall certainly be prepared to reconsider my own personal opinion on the subject."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask whether the climatic conditions in France are the same as in India? If fish keep for two years in France, does it mean that it will keep for seven years in India?"

* Mr. V. PANDRANG ROW :—" Sir, the question needs no answer. (Mr. T. Adinarayana Chetti: Why?) My hon. Friend knows as well as anybody else that the climate is different. Climate is not everything in this. There has been no attempt by the department to hide facts from the House. When we first came with our demand, we did not know the cost of bringing out vessels or the cost of equipment, because it was not then known how much they would cost. Now we are in a position to give the House an outside estimate of what these two items are going to cost. I think the cost of the vessel has been put at £4,000 but this £1,000 is only one-fourth of the price of a first-hand trawler; and we are informed that prices are rising. It is on that account that a demand has to be moved at this meeting, and I hope the House will readily agree to grant it."

Mr. J. A. SALDANHA :—" Our only hope, Sir, is that this trawler will be engaged in real deep sea fishing, not in non-fishing purposes referred to by my Friend Mr. Gopalan."

Rao Sahib P. V. GOPALAN :—" On a point of personal explanation, Sir, I inform the House that almost all the items I have mentioned, apart from the question of deep sea fishing, are items subsidiary to the curing of fish?"

Mr. J. A. SALDANHA :—" I am afraid that it will not serve the purpose for which it was intended if this trawler were to be engaged in what are called subsidiary purposes. If the trawler is really a proper one and to serve the purpose, I am sure it will be required for deep sea fishing, for training fishermen and ultimately to establish an industry which is so lacking in India, especially in Western India. I am glad to see that the department recognizes, and I am sure the House also will recognize, that profit-making by Government industries is not really the main object. In

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fact, the object should be to train our people in industries by means of these enterprises. I am quite prepared to support this motion if the purpose will be to train people in the industry. So far as the question of capital and the people who will enter into these enterprises are concerned, I am sure that they will be forthcoming. We have got a large fishermen community on the west coast as I am sure on the British coast also. The coast between Ceylon and India is famous for its large fishing industry; and so in Malabar and South Kanara and also in the west coast in the Bombay Presidency. This fishermen community is only waiting for an opportunity for being trained in the deep sea fishing; and if this trawler will be used for that purpose—if the department will take care that it is used for that purpose only this time—I am sure it will be a great boon to our country. I am inclined from this point of view—not the profit making point of view of the Government—to support this motion.”

* The hon. Mr. T. E. MOIR :—“ Sir, if I say a few words on the subject of this grant, it is because I do not wish the House to be under any misapprehension as to the objects which this particular vessel will serve. I wish to support what has fallen from my hon. Friend Mr. Saldanha. The hon. Member from Malabar suggested that this vessel would be used for the transport of salt to factories. I think, in the interests of the Finance Committee, I should say that it was not one of the considerations on which this demand was placed before them for their acceptance: and it is, I think, quite clear that if it were necessary to have a special arrangement for transport of salt from one salt factory to one fishing centre, we should not order from Home a special vessel which would cost much more than an ordinary vessel. The hon. Member also referred to the possibility of this vessel being used for the inspection of the islands. So far as I know, we have no anticipation of any kind that this vessel will be suited or adapted to carry any inspection party, and I think that the Finance Committee would not wish it to be supposed that they had accepted that as one of the arguments for the purchase of this vessel. If I may say so, I think that the failure of the previous vessel to meet its expectations arose from the fact that it was not adapted for any particular purpose. Apparently, it was a failure in every purpose to which it was put. This trawler, I understand, is a vessel especially designed and fitted for one particular purpose and I do not wish the House to be under the misapprehension that it is, as the hon. Member from Malabar suggested, going to be a general vessel to be used for all purposes.”

Rao Sahib P. V. GOPALAN :—“ On a point of personal explanation. As a matter of fact I know fishing will not be possible throughout the year—all the 365 days. It will not be possible during unfavourable winds, and I do not think the Government will adopt the dog-in-the-manger policy. When fishing is not possible in unfavourable wind, rather than keeping the vessel idle, we can utilize the vessel for the purpose of transporting fish and also for saving life during cyclones. I hope these are items which will rather be welcomed by the House.”

* The hon. Mr. T. E. MOIR :—“ I think that the House should be under no misapprehension as to the variety of purposes to which this vessel should be adapted. The hon. the Minister and the Secretary have placed the case before the House. Our fishing industry is at present on a primitive basis. It is a question on which the Members of the House may be diffident. But

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if anything is to be done, there are certain points which require investigation; and as far as expert advice goes, the only way by which these preliminary points can be determined is by the purchase of a vessel of this kind."

The demand was put and carried and the Grant was made.

Grant XXVIII.

* The hon. Rao Bahadur Sir A. P. PATRO :—"On the commendation of His Excellency the Governor I move

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'that the Government be granted an additional appropriation of Rs. 100 under "Civil Works—Transferred".'

"The explanatory note relating to this Grant has been laid on the table of the House. Hon. Members will see from it that in April 1917, the Government accepted the offer of an endowment of Rs. 50,000 from Sir M. C. T. Muttayya Chettiyar and undertook to utilize it for the construction of a tuberculosis ward on the Spur Tank site to be named after his father

"Plans and estimates for a ward to accommodate 32 patients were prepared and sanctioned in February 1918. But the work could not be taken up as the position of the block depended upon the ultimate lay-out of the new General Hospital buildings on the Spur Tank. As there seemed however to be no immediate prospect of the General Hospital scheme materialising and as provision for the treatment of tuberculosis patients was required urgently, the Government decided in April 1921 to proceed with the construction of the tuberculosis ward independently of the general scheme.

"Revised plans and estimates were accordingly prepared in 1922 for a two-storied block of 72 beds costing Rs. 2,57,900 and the proposal was placed before the Finance Committee in January 1923. The Committee recommended that a more economical scheme should be prepared. A new design estimated to cost Rs. 1,71,000 was accordingly prepared but this did not meet with the approval of either the Director of the Institute or of the Surgeon-General. The Surgeon-General stated that in designing wards for tubercular patients, the best possible material must be used and every sanitary convenience necessary for the prevention of infection must be provided. He accordingly urged that the original design should be adopted. In view however of the Finance Committee's recommendation, the Government desired that the cost should be reduced as much as possible and called for a revised estimate. Revised plans and estimates amounting Rs. 1,52,500 were accordingly submitted in 1924. The Director of the Institute and the Surgeon-General however considered that new design resembled a chatram rather than a hospital ward and that it would be a waste of money to put up a building in accordance with this design. The matter was again placed before the Finance Committee in December 1924, and they recommended the adoption of the original design providing for 72 beds and estimated to cost Rs. 2,57,900.

"Sir Muttayya Chettiyar has actually paid Rs. 25,000. (This with accrued interest now amounts to Rs. 33,975.) He has promised to pay the balance of Rs. 25,000 as soon as the construction of the building is taken up. The net cost to Provincial funds will thus be Rs. 1,98,925 excluding the cost of the nurses' quarters, a kitchen and other out-houses.

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"The detailed plans and estimates for the work are now almost ready and, in view of the fact that the accommodation available in the existing temporary hospital at Royapetta is quite insufficient, the Government propose to start the work immediately with the amount already offered by Sir Muttayya Chettiyar. As this is a new scheme, the proposal is placed before the Legislative Council for its sanction."

* Diwan Bahadur M. KRISHNAN NAYAR :—" May I know why Rs. 100 only is asked for ? "

* The hon. Rao Bahadur Sir A. P. PATRO :—" It is a token motion intended to obtain the approval of the House to the scheme."

The demand was put and carried and the Grant was made.

Grant X.

* The hon. Mr. N. F. MARJORIBANKS : - " Mr. President, Sir, on the recommendation of His Excellency the Governor I move -

'that the Government be granted an additional appropriation of Rs. 16,024 under "General Administration--Reserved".'

"Sir, this is a matter which has been before the House and on the last occasion it was withdrawn pending a further examination of the legal position of the Government in the matter. I believe it is a convention that we do not publish the opinions of our law officers; but I do not think I will be violating that convention if I say that, having considered the opinion of the Advocate-General, the Government have come to the conclusion that the claim of the Railway company is valid. I believe it is the ordinary practice that if you ask a person to do something he is entitled to ask for payment. Not being a lawyer I perhaps have not expressed the proposition in correct legal form. But it seems to me that is the main principle. As between this Government and the Government of India we have laid before them our opinion in the matter and they have finally communicated their view that the liability is this Government's. I therefore move the House to sanction this demand the details of which have been stated in the explanatory note circulated."

Mr. S. SATYAMURTI :—" Sir, I rise to oppose this demand. This demand has a history of its own. It does not come before the House for the first time. It came before this House when Sir Arthur Knapp was Member in charge of this portfolio on the 10th October 1924. Then there was a more or less full dress debate on the matter, when the House refused practically to grant the first item in this Grant. Hon. Members will notice that this Grant consists of four items. The first item is this: South Indian Railway Company's Bill for collecting and stocking permanent-way materials beside the line from Erode to Trichinopoly during the visit of the Viceroy in 1923—Rs. 12,210-15-0. The other three items relate also to the Viceroy's visit to this part of the country.

"I will just read a few relevant portions from the official report of our proceedings in order to enlighten the House as to the reasons why I feel compelled to oppose this demand. This is what Sir Arthur Knapp said in the course of his speech in moving this grant:

'When His Excellency the Viceroy was coming down here on his last visit, the South Indian Railway authorities consulted the Inspector-General of Police as to the steps to be taken for the protection of His Excellency while travelling on this branch line from Erode to

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Trichinopoly. At that time a good deal of material had been collected over a length of many miles in connexion, I think, with the broadening of the line, and in accordance with the regular rules laid down as regards the precautions to be taken in connexion with His Excellency's travelling, it was decided to remove the material, as it might provide dangerous opportunities for interference with the line.'

"At this stage my hon. Friend from Coimbatore interrupted with this question :

' May I ask, Sir, by whom it was so decided ? '

" Sir Arthur Knapp only said :

' It was decided in consultation between the Inspector-General and the Railway authorities. The Inspector-General referred the matter to this Government and asked whether we approved of the decisions so arrived at and we said that we did. '

" I hope the House will mark the following words :—

' At that time I do not think that this Government realized that they would be called upon to pay the cost. '

" It is a piece of sharp practice on the part of the Railway company to tell the Government that they want to remove material at a cost of Rs. 12,000, not telling the Government they will have to foot the bill, and merely asking the Government to approve of it and the Government saying ' We approve of it, ' without realizing admittedly that they will have to pay the cost. And then the Government come round and tell us ' Oh, yes ; we want you to pay the money, because the Railway company wants the money '.

" I also wish to refer to this, Mr. President : During that debate my hon. Friend Diwan Bahadur M. Krishnan Nayar said :

' I want to know whether it is not as much the duty of the Railway company to protect the person of the Governor-General as it is of this Government. '

" I cannot understand how we are bound to pay this sum. I object to this demand on that ground.

" Then, on the legal position, the hon. the Revenue Member very naively said :

' I cannot put it very well, but I think if we ask some body to do a work for us we will have to pay for it. '

" But that is not the position here. You did not ask the South Indian Railway Company to remove the materials. The South Indian Railway Company agreed with the Inspector-General of Police that these materials ought to be removed. The Government who are now called upon to pay the cost of such removal were not told at that time that they would have to foot the bill. Therefore, since at that time there was absolutely no contract express or implied between the Government and the Railway company that the Government would pay the bill, I submit that apart from expert legal opinion on the matter, there is no liability on our part. I may add that, at that time, Sir Arthur Knapp undertook to obtain legal opinion on the matter. I should like to know from the Government whether they have consulted the Advocate-General and found out from him whether he is of opinion that on the facts of this case there is a liability on our part to pay the South Indian Railway. I insist on that legal opinion being placed before the House. I agree with the hon. the Revenue Member that so far as the Government of India is concerned, this Government is helpless except for

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making a constitutional protest. But I really do not see why the Government do not even say that they consulted the Advocate-General. They say in the note that the Government discussed with the Government of India the liability of this Government. That is all. Why did they not take the opinion of their expert legal adviser and find out whether there is any legal liability on their part? Thus, on the merits of the case also, I see that there is no legal liability and I oppose the grant.

"Then, Sir, why should Rs. 12,210-15-0 be spent for removing permanent-way materials? It is suggested that they were removed so as not to give an opportunity to people to throw stones at the train. You will find an item for lighting and patrolling. Are these Viceroy and Governors supposed to be enemies of the country? Why should, whenever they travel, the Government get thoroughly nervous and post policemen all along the line? Can it be they think that they are in an enemy country, or, is the British Government holding us as rebels held in subjection by superior physical force? Do they think that they cannot really trust their Viceroy and Governors to their people, unless they control every furlong and every mile? It is a disgrace, Sir, that citizens should be treated in that fashion and that when we are not previously consulted we should pay Rs. 16,000 for the Viceroy's visit, when the people are kept from the Viceroy and the Viceroy from the people, so that he may consult his officers on what those good men and their subordinates have done and learn what a splendid country this is, and that humble men like myself may not go near him. It seems to me it shows a want of faith on the part of the Government in their own governance of this country. To me, it shows that they have no faith in the people, since they want this kind of protection. On that general ground and on the smaller ground that they have not taken legal opinion as to our liability in the matter I beg leave, Mr. President, to oppose this grant and to appeal to this House to reject it."

1-30
p.m.

* The hon. Mr. N. E. MARJORIBANKS :—"As to the facts of the matter, I think I ought to say they were not exactly as put by my hon. Friend who opposed the motion for grant. It was the Inspector-General of Police who asked the South Indian Railway to have these materials removed."

* Mr. S. SATYAMURTI :—"On a point of personal explanation, Sir. The South Indian Railway themselves consulted the Inspector-General of Police and in the proceedings it is stated 'It was decided in consultation between the Inspector-General and the Railway authorities'."

* The hon. Mr. N. E. MARJORIBANKS :—"I am sorry Sir Arthur Knapp must have been under a misapprehension, when he said that it was decided in consultation between the Inspector-General and the South Indian Railway. After the demand for this grant was debated upon in October 1924 the question was referred to the Advocate-General—I think I have made that clear in my speech—and I should be very glad to publish his opinion but I believe it is not the convention to do so—and after taking his opinion it was decided that the South Indian Railway had a valid claim in the matter. There was no question of keeping out anybody from seeing His Excellency the Viceroy. It was only a question whether the line would be safe with a lot of loose materials lying in close proximity. I believe the Railway authorities were renewing the line and this was why quantities of loose materials

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were lying by the line. Those are the facts and I do not think they raise any general question to which the House need take any objection."

The Demand was put and declared carried.

Mr. Satyamurti demanded a poll and then the House divided as follows:—

Ayes.

- | | |
|---|--|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 23. Mr. R. Madanagopal Nayudu. |
| 2. " Mr. N. E. Marjoribanks. | 24. " V. Madhava Raja. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 25. Honorary Lieutenant Madurai. |
| 4. " Mr. T. E. Moir. | 26. Mr. T. Mallesappa. |
| 5. " Diwan Bahadur T. N. Sivagnanam Pillai. | 27. " P. N. Marthandam Pillai. |
| 6. " Rao Bahadur Sir A. P. Patro the Raja of Panagal. | 28. Rao Bahadur A. M. Murugappa Chettiyar. |
| 7. " T. R. Venkatarama Sastriyar. | 29. Mr. C. Muttayya Mudaliyar. |
| 8. " E. W. Legh. | 30. " B. Obalesappa. |
| 9. " G. T. Boug. | 31. " C. Ponnuswami Nayudu. |
| 10. " V. Pandrang Row. | 32. " K. S. Ponnuswami Pillai. |
| 11. " S. Apudawami Udayar. | 33. " K. Prabhakaran Tampan. |
| 12. " T. M. Ross. | 34. " B. Ramachandra Reddi. |
| 13. Rao Bahadur C. Natesa Mudaliyar. | 35. " K. Ramachari. |
| 14. " M. C. Raja | 36. Rao Bahadur P. Raman. |
| 15. Mr. P. K. S. A. Arumuga Nadar. | 37. Mr. Sagaram. |
| 16. " A. Ramaswami Mudaliyar. | 38. " R. Srinivasan. |
| 17. " J. A. Davis. | 39. " K. Sarvarayudu. |
| 18. Rao Sahib S. Ellappa Chettiyar. | 40. " B. Sitarama Reddi. |
| 19. " P. V. Gopalan. | 41. Rao Sahib P. V. S. Sundaramurti. |
| 20. Mr. L. C. Guruswami. | 42. Mr. R. Veerian. |
| 21. " J. Kuppuswami. | 43. " K. Venkatachala Padayachi. |
| | 44. " Abdul Hye Sahib. |
| | 45. " Abdul Wahab Sahib. |

Noes.

- | | |
|---|--------------------------------------|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 9. Mr. V. Pantulu Ayyar. |
| 2. " A. S. Krishna Rao Pantulu. | 10. Sriman Sasibhusan Rath Mahasayo. |
| 3. Sriman Biswanath Das Mahasayo. | 11. Mr. P. Peddiraju. |
| 4. Mr. M. Gangarazu. | 12. " B. P. Sesha Reddi. |
| 5. " B. Venkatapatiraju. | 13. " M. Sitayya. |
| 6. " S. Satyamurti. | 14. " R. Srinivas Ayyangar. |
| 7. " P. Anjaneyulu. | 15. " V. C. Vellingiri Gounder. |
| 8. " C. Maruthavanam Pillai. | |

Ayes 45 : *Noes* 15.

The demand was carried and the grant was made.

The House then adjourned for lunch.

After Lunch (2-30 p.m.).

IV

ANNOUNCEMENT REGARDING THE NEXT SITTING OF THE COUNCIL.

* The hon. Sir. C. P. RAMASWAMI AYYAR:—"Mr. President, Sir, there have been certain discussions between hon. Members representing the various parties in this House as to the further course of business. It has been suggested, Sir, that with your permission the House may adjourn to-day after dealing with the demands for grants and the resolution on the Corrupt Practices Bill and also the formal moving of the Excise resolution so that it might come first in the list of business for the next meeting of the Legislative Council early in February. (A Voice: First item?) I may say at

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once with regard to the interruption that I cannot say anything with regard to its being the first item. I have given an undertaking to the hon. Member from Malabar that, as far as I am concerned, the Malabar Tenancy Bill will be the first business of the House when it meets again."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I may say at once that if my hon. Friends on both sides of the House are anxious to have the Excise resolution before the Tenancy Bill I have no objection."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" If that is so, Sir, may I suggest to you that 8th February is the day for the next meeting of the Council. Of course the formal communication from His Excellency will follow; he has been spoken to on this matter and I did not know that I would have to announce this to the House through you to-day. His Excellency is not here to-day. I hope it will suit you, Sir."

* The hon. the PRESIDENT :—" I hope it will suit all sections of the House. (After a pause) I take it that the suggestion made has the approval of all sections of the House."

III.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1925-26—*cont.*

Grant XII.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, on the recommendation of His Excellency the Governor I move—

'that Government be granted an additional appropriation of Rs 2,100 under "Administration of Justice—Reserved" for the continuance of the post of Official Referee, Madras.'

"The position as to the Official Referee is shortly this. During the discussions that took place regarding this office and its continuance three arguments were advanced. The first was that the hearing fee charged and the expenses of the enquiry before the Official Referee were prohibitive. I may mention to this hon. House that the hon. the Judges of the High Court have at a meeting resolved to reduce the fee to the ordinary fee on hearing of suits so that this portion of the argument does not hold good now. Another argument which was advanced with considerable force was that the advocates and the vakils who have to appear before the Official Referee have no right to demand any payment for the services they render. Therefore it so happened that there was a lot of delay consequent upon the fact that naturally members of the bar had to give precedence to business in which they were getting a remuneration to business in which they were not. The attention of the hon. Judges has been drawn to this fact and they have now passed a rule, to which His Excellency the Governor in Council has given assent, that hereafter there should be brought into force a system of payment to the practitioners who appear before that court.

"I shall deal with the question of the continuance of the office itself. It was argued during the debates on this matter that the alternative would be that in each case particular members of the bar may be nominated as commissioners as they are nominated in various Courts in the mufassal. These commissioners may discharge these duties that now devolve on the Official Referee. As will be easily seen and readily conceded, Madras being a commercial centre, there are a large number of commercial suits relating to

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accounts and partnership business. They require the taking of accounts and inspection of books and so many other processes which are now done by the Official Referee. What really happened before the Official Referee was appointed was this. Although every one knew fully well that anybody could be appointed as commissioner, what really happened was this. Only a certain number of people, or rather only two or three, specialised in this branch of work. I can almost name the three persons who monopolised all the practice. During the 15 to 18 years of my practice on the Original Side it was Mr. Masilamani Pillai, Mr. Janakirama Reddi and Mr. K. C. Desikachari who were almost invariably chosen as commissioners. I doubt if even five per cent of such cases went to other persons. They were the practitioners who specialised in this branch of work. If the House will pardon a personal allusion, I may say that I had the good fortune of being commissioner twice in heavy cases. It was very early in my professional career. I could not find time to do this work during the working days. I had to devote the evenings and the holidays, with the result that there was a tremendous delay. I may say that I have also appeared before the commissioners and the same delay occurred there also. If the practitioner is a busy man, he finds it difficult to spare time during court days and he has to work during the holidays. If he is only a junior member of the bar the hon. Judges will not probably nominate him. I am saying all this to show that in practice only these two or three persons are likely to be appointed as commissioners.

“That was the actual state of affairs. Now, Sir, with regard to the system under which lawyers have to practise before the Official Referee without remuneration, I should say that the system was one which really needed improvement. And now that the hon. Judges have improved that state of things by enabling junior practitioners to be paid, there ought to be no objection to its continuance. I may say that the hon. Judges were asked definitely with a view to the expression of opinion by this hon. House to consider the matter over again. And having considered the matter, they have arrived at the deliberate opinion that the retention of the office of Official Referee is most desirable. They say :

2-45
p.m.

‘The main cause of the delay has been the increase in the volume of such references during the last two years. It will be observed that the High Court lays great stress on the expedition that would result from the appointment of Official Referee and trusts that the proposal to allow a special fee to vakils will tend to expedite the work.’

“Therefore, Sir, neither from the point of view of expedition of work nor from an administrative point of view can it be said that after the changes made by the High Court in this matter, any reasonable complaint can be put forward. And I therefore place this proposition before the House for its acceptance.”

Mr. A. RAMASWAMI MUDALIYAR :—“ Mr. President, I do not think that the House will be justified in giving a silent vote on this subject. I do not propose to oppose the grant for more reasons than one. But I feel that it is due to myself and to this section of the House at any rate that we should explain our position before voting upon the demand or at any rate before we allow the grant to be passed by this Council. There were, as the hon. the Law Member said, two or three considerations which weighed with this House when it came to the conclusion by a large majority that this post was undesirable and that it ought to be abolished. Since then, the matter

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has been referred to the High Court and the hon. Judges of the High Court, I understood from the speech of the hon. the Law Member, were unanimous in the conclusion that this post should be retained."

The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not want to be misunderstood, Sir. I stated that the considered opinion of the hon. Judges of the High Court is that the retention of the office of Official Referee is most desirable. I do not know whether it was unanimous or not. I cannot say that."

Mr. A. RAMASWAMI MUDALIYAR :—" Well, Sir, we realize that on such peculiar matters which are so peculiarly within the jurisdiction of the High Court, the opinion of the hon. Judges should weigh with us in this House. And therefore when the Judges have considered the case made out by this Legislative Council and have come to the conclusion that this office should be retained, I do not think that it would be fair to the hon. Judges themselves that this House should vote against this motion. At the same time, I have to bring to the notice—I trust it will be carried to the hon. Judges of the High Court—of this House that one of the objections that was prominently put forward in suggesting the abolition of this office was not merely that the office was a great strain upon the bar and upon the clientele but that the manner in which persons were appointed to the office was not the most desirable. And I think at one stage in the argument on the last occasion, the hon. the Law Member himself admitted that there was much room for improvement in the way in which, apart from the first nominee to the office, subsequent nominations have been made. I want it to be clearly understood that one of the main reasons why there was dissatisfaction both in the bar and in the public was due to the fact that a responsible officer like the Official Referee who had a great deal of quasi-judicial work to discharge ought not to be appointed—I shall not use strong words specially in connexion with the hon. Judges of the High Court—without greater consideration, shall I say, than has been bestowed on the last two occasions when these appointments were made. I trust that the debate and the observations made in this House will at any rate suggest to the hon. Judges of the High Court a more circumspect way of making this appointment. I am not very much at ease over the suggestion of the hon. the Judges of the High Court that members of the bar ought to be remunerated when they appear before the Official Referee. I do not know what scale of remuneration is likely to be fixed. But from my little experience of the work before the Official Referee and the number of sittings that have to be held before the long pile of accounts could be gone through by the Official Referee, it seems to be a great hardship on the clientele if a daily fee was to be fixed for the members appearing. I am not aware if that is the suggestion of the hon. Judges and I cannot myself realize how an *ad volorem* fee may in equity be fixed in cases like this. At any rate, it will be difficult to fix a scale of fees.

" There is only one other point that I want to bring to your notice and to the notice of this House. I cannot help expressing my sense of regret that this motion was not brought earlier than it has been. I do not wish to suggest that it is due to laches on anybody's part. Now, Sir, on the last occasion this House considered that the Official Referee was not necessary and voted down the grant. His Excellency the Governor certified the grant for a period of six months and suggested that, during that period this question would be reconsidered by his Government in consultation with the

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Judges of the High Court—an eminently desirable thing to do with which I have not the least quarrel. Six months elapsed. Three months more have elapsed since then. I think it is only fair to this House that having had a long period of six months to consider the question, the earliest opportunity which this House had of having a discussion on this question, the time when the matter should have been brought before the Council should have been far earlier than now. We had an August session; we had an October session. I only put it forward as a fair thing to this Council that it should not have this further complication of His Excellency having certified for a further period of three months, indirectly certified it, and then this Council being asked to vote only for the remaining three months during the year. In this particular case, perhaps, the matter is more of a technical than of a substantial nature. But I can easily realize how the hands of the Legislative Council Members would be forced by practices like this, by coming at the last stage when only two or three months have to elapse before the year runs out and ask for a grant of the Council for the two or three months and indirectly for a sanction of what has been done in the past. I think, Sir, after the six months taken by the Government to consider this question, it is up to them to have come at the earliest opportunity, at the August or the October meeting at any rate, and have moved this grant. I say that as a warning that in future at any rate grants like this should be put in their entirety before the Legislative Council and the approval obtained."

The hon. Mr. T. E. MOIR :—"Sir, the hon. Member from Chingleput has dealt in a very reasonable manner with the resolution and I feel sure that the representation which he made as regards the desirability of a post of this kind being filled in a way which would be to the satisfaction of all concerned, will receive the consideration at the hands of the High Court which it fully deserves. As regards the other point, namely, the delay that there has been in bringing the supplementary grant before the House, I am afraid, Sir, that I must plead guilty myself to having been at any rate a contributory cause. For when the question came to me through the Finance Department I raised certain questions, financial questions, which seemed to me to arise out of the issue involved and requested their further consideration. At that time, I am afraid I did not fully realize that I was holding up the decision on this question and distinctly complicated what would otherwise have been a comparatively simple issue. I am sure that the hon. Member from Chingleput will recognize that my action in doing so was not in any way with an ulterior desire to defer the placing of this question before the Council. But possibly I allowed my financial zeal in this case to make me overlook the fact that by raising certain questions I was placing my hon. Colleague in a rather awkward position with reference to this issue. It was quite inadvertent on my part and as I have explained, owing to my anxiety that in regard to the High Court, as elsewhere in financial questions, all matters should be subjected to a full examination."

The hon. Sir C. P. RAMASWAMI AYYAR :—"Sir, with reference to the remarks that have been, if I may say so with his usual chivalry, made by my hon. Colleague to the right, I may say that certain big questions were raised by him and they had to be considered. I assure hon. Members of this House that it was not my intention to defer the placing of such issues before the Council at the earliest possible moment when the occasion arises,

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"Two points have been raised now. Let me repeat again what I definitely stated at the first debate on this question, that speaking wholly personally and voicing my own opinion, I consider that this office of Official Referee is next in importance only to that of a Judge of the High Court, and as a matter of fact in some ways more onerous. It is all very well for the hon. Judges of the High Court to pass a preliminary decree on the evidence that two persons were partners, and to direct that partnership be dissolved and that accounts be taken. The whole of the real work falls on the Referee and in the course of the work, he has to pass important judicial decisions. It has therefore been my opinion, and let me again guard myself by saying that it is my personal opinion, that this place ought to be filled up by a very competent lawyer. That is my first observation! My second observation is with regard to the system of fees. My hon. Friend from Chingleput spoke of the difficulty of ad valorem fees. I may say that the whole question of the fees payable to the legal practitioners under the rules governing that remuneration is under consideration by the hon. Judges of the High Court. The rise of prices has made other walks and professions of life demand that there should be reconsideration of their remuneration. The question has been addressed to the hon. Judges of the High Court and they are now going into the matter. Even in England, on account of considerations very similar to these, the whole scale of payments to lawyers has been revised and increased by 50 per cent. I do not mean to say that the hon. Judges of the High Court will take any such specific step, but at the same time if in any case there is an enquiry before the Judge and a subsequent enquiry before the Official Referee there ought to be nothing wrong or against principle in awarding in addition to the 5 per cent scale an extra 2 per cent remuneration to persons appearing before such tribunals and in such enquiries. It is not inequitable from any point of view. And I take it that the hon. the Judges of the High Court will keep all these things in view and it is not likely that they will award a day fee because the whole scale of remuneration for vakils is based not on the basis of a day fee but on an ad valorem basis; and they will have to make suitable adjustments for this purpose."

The Demand was then put and carried and the grant was made.

8 p.m.

* The hon. the PRESIDENT :—"Before we proceed to the next item, I want to say there is just a personal explanation that I should like to make to the House. More than once in connection with the motion for adjournment regarding Mr. Tanikachalam Chettiyar's appointment, it was stated by more than one Member, by Mr. Narasimha Raju the other day and by Mr. Satya-murti to-day, that the Raja of Panagal had formally objected to the motion. My recollection was that we did not arrive at that stage. It is only after the President accepts the motion that it is open to any Member to object to the motion. My remembrance of the occurrence was contradicted by the Leader of the Opposition, but now I find that there is no record in the official report of the proceedings of any formal objection having been taken by the Raja of Panagal. I make this personal explanation not so much to vindicate my memory which may not stand very severe tests but to explain how it was that I had to contradict the Leader of the Opposition when he said that the hon. the Minister had formally objected to the motion. It is only with a view to stating what actually took place that I have made this personal explanation."

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*Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, I really felt after those remarks were made by me that I was wrong whatever my memory might be to contradict the President. In all matters of memory I think it is better for the House to depend on the memory of the President rather than on that of individual Members. I really felt sorry that I contradicted your memory. I never wanted to do so. But in the heat of that debate, I did make that remark and I am sorry for it."

* The hon. the PRESIDENT :—"There is no question of questioning the *bona fides* of the Leader of the Opposition. It is only a question of fact."

Grant XIV

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Sir, on the recommendation of His Excellency the Governor I move—

That Government be granted an additional appropriation of Rs. 1,05,874 under "Police—Reserved" for the purchase of bicycles for bicycle sections of armed reserves, Malabar Special Police and East Coast Special Police, viz.—

	Rs.
26-k. Police—Expenditure in England Stores ...	69,310
26-j. Loss by exchange ...	23,103
25-b. Police—Superintendence—Customs Duty—	13,461
<i>Voted.</i>	
<i>Total ...</i>	<u>1,05,874</u>

"I may say that one of the headings appears rather curious, and that is 'Police—Superintendence—Customs Duty'. It so happens that customs duty is brought under this head in the budget. It is necessary to point out that in Mr. Stokes' report which the hon. House will allow me to refer to for this purpose—it has been placed on the Editors' Table—two things are stated which I think will help to crystalize the debate :

'I am strongly in favour of organising a cycle section in each company of the "Striking Forces" of, say, 12 men and a Non-Commissioned officer per company. The cycle should be of the military pattern which can be carried on the man's back and the training of the force should make due provision for instruction in the use of these machines'.

"Then later on, he points out :

'The type of machines need not in these cases be the folding up military pattern, but should be a good-make ordinary bicycle with, perhaps, cushion tyres. The bicycle section, as already observed elsewhere in this report, has in the past been used and found extremely valuable in the Malabar Special force. . . .'

"And I think I can rely upon hon. Members coming from Malabar to point out that bicycles were very much used in those localities. The report goes on —

'and I consider that, as a moderate estimate, the provision of 20 cycles should enable us to economise by at least five men per reserve owing to the increased mobility which they afford'.

"I may say, Sir, that that is a point which will undoubtedly weigh with this House, i.e., the increased mobility which they afford. To continue :

'The first cost of the machines for 22 reserves at Rs. 150 a machine will be Rs. 66,000. If we take the resulting economy in men at 5 men per reserve or 110 plus 15 per cent of 110 or 20 men, the total saving would be 130 men. The pay of 130 men at Rs. 19-4-0 a month comes to Rs. 2,502-8-0 a month or Rs. 30,030 per year. It has been found in the Malabar Special Force that the life of the bicycles there used is anything from five to ten years.'

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"Now, Sir, it is in circumstances like these that the Government comes before the House to move for a grant. It is expected that this would be not only a measure for the improvement of the majority of the forces but in the long run will conduce to economy. I move for the grant."

The hon. the PRESIDENT:—"With regard to the amendments that have been tabled, I am afraid on the ground of relevancy I have to rule a number of them out of order."

The amendments were not moved, and the main motion was discussed.

Diwan Bahadur M. KRISHNAN NAYAR:—"My hon. Friend the Law Member who moved this demand has stated that Members coming from Malabar would support him."

The hon. Sir C. P. RAMASWAMI AYYAR:—"I did not say that, Sir."

Diwan Bahadur M. KRISHNAN NAYAR:—"I am going to support the motion, Sir." (Laughter.)

The hon. Sir C. P. RAMASWAMI AYYAR:—"While confessing to a feeling of—if I may say so—agreeable surprise, all that I said was that hon. Members from Malabar are likely to support me in the statement that we should increase the mobility of the forces."

Diwan Bahadur M. KRISHNAN NAYAR:—"Really I was going to support the motion of my hon. Friend. I am speaking only with reference to the special police of Malabar and not the special police of the East Coast of which I know nothing. There was a contingent of the military that was stationed at a place called Malapuram in the centre of Ernad taluk till about the year 1916 or 1917. It was, I believe, in the year 1917 that that military post at Malapuram was abolished and we know that the unfortunate rebellion occurred about four years afterwards in the year 1921. The opinions of officers who were employed either at the time or previously in Malapuram and of the general public of Malabar was that if the military had not been taken away from Malapuram the rebellion of 1921 would either not have occurred or, even if it occurred, it would not have assumed those unfortunate dimensions which it took. It was during the progress of this rebellion which commenced in 1921 that this special police force which consists of six companies of a hundred men each was formed and those of us who come from Malabar know that they did very good work. The duties with which they were then and are now entrusted are of a quasi-military nature, and if this force is to be maintained with utility it is necessary that it should be maintained in a very efficient manner. This force is stationed, I may say, in six different centres in these two taluks of Waluvanad and Ernad which are liable to rebellion, and whenever it is necessary to mobilize this force at a rapid rate, motor lorries are now used; and if any culvert or bridge on the road is damaged intentionally by mischievous persons or damaged otherwise, it becomes difficult to move this force in motor lorries. If we have bicycles—of course the damage to the bridges or culverts whether intentionally or otherwise would not make it so difficult for bicycles to pass—they can be used in places where motor lorries cannot be used. So long as this force is located in Malabar it should be maintained in a very efficient manner, and the cost also, as I understood from my hon. Friend, will not be more than Rs. 75,000 or so, deducting from the total cost the saving that would be effected by the disbanding of some of these men."

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Mr. C. RAMALINGA REDDI :—“ Sir, I cannot of course, not being either a Military expert or a gentleman from Malabar, speak to the advantages that would accrue from the point of view of efficiency by the supply of these bicycles to the Military. I want to remind this Council that we have had two discussions on the general subject of armed police reserves, formerly. And during the last Budget debate, if I remember rightly, this Council carried a reduction in the total amount asked by the Government, against the Government. On that occasion, my hon. Friend the Law Member undertook to have the whole question examined and to see what economies could be effected, firstly, as regards the number entertained in this force and, secondly, in other respects. I believe in pursuance of that policy a special officer was deputed to investigate the matter and report on it, but I do not remember having been given any information as to the actual economies effected so far. And now my hon. Friend comes forward with this proposal and he leads us to hope that there will be some reduction in the strength of the force at the rate of five persons for each company. I want to know whether this reduction has already been effected, or whether, as soon as this vote is passed, he will take steps to secure that reduction. The Council was, generally speaking, hostile to this policy of having an armed reserve at all on the ground . . . ”

* **The hon. Sir C. P. RAMASWAMI AYYAR :—**“ I think, Sir, if my analysis of the feeling in this Council is correct—and I am speaking subject to correction—that there was very little difference of opinion as far as the maintenance of this armed reserve in Malabar was concerned, but there was a very strong cleavage of opinion so far as the East Coast Special force was concerned. That is my recollection.”

Mr. C. RAMALINGA REDDI :—“ My recollection is that though the Members from Malabar did plead for the retention of this force, the Council as a whole took exception to the view that a special force of this kind should be made part of the ordinary police force of our country. If I remember rightly, their view was that there was the Army, on the one hand, to deal with more serious outbreaks, and there was the ordinary police and the reserve police, on the other hand, which might on occasions be strengthened by special formations of the kind now under discussion; and there was no case made out for being permanently established in our country a middle type between the Ordinary police and the Military. However that be, so far as the East Coast reserve was concerned there was not only a cleavage of opinion but, as the voting showed, the majority were practically against this policy. My hon. Friend undertook to examine that question but we have not been told about the results of this examination.”

* **The hon. Sir C. P. RAMASWAMI AYYAR :—**“ The Government have placed Mr. Stokes' report and the Government Order thereon, on the Editors' Table.”

Mr. C. RAMALINGA REDDI :—“ What was the amount retrenched ? ”

The hon. Sir C. P. RAMASWAMI AYYAR :—“ I sent for the figures. I was not aware that the particular point would be raised. But the whole of that subject was very exhaustively dealt with in Mr. Stokes' report, and after my hon. Friend concludes his remarks, I shall place the figures before the House.”

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MR. C. RAMALINGA REDDI :—"I will not detain the House, Sir, but I want my hon. Friend to make a statement of the retrenchments so far effected by the Government in men and money as the result of this report or any other enquiries that the Government have made and to give us an exact estimate of the retrenchments they propose to effect in case this vote is sanctioned by this Council, and to tell us how soon these retrenchments will be brought into operation."

*** Rao Bahadur C. V. S. NARASIMHA RAJU :—**"Sir, the question of maintaining a striking force is, I believe, not at all a charge on the Provincial revenues. It is a question that has to be examined by the Finance Department and by the Accountant-General. As far as Mr. Stokes' report is concerned, he did specially mention that no duty is to be entrusted to this striking force. Under the existing Police Acts I do not think by any justification the Government can call this striking force a branch of the ordinary police."

3-15 P.M. * The hon. Sir C. P. RAMASWAMI AYYAR :—"I may say, Sir, that I am greatly indebted to the hon. Member for the suggestion that has been made. But this is sudden. As I told you already this point has not till now been made. Nor was it raised during the debate on the last occasion. All that I can say is, if a point like that is raised now it can only be examined."

*** Rao Bahadur C. V. S. NARASIMHA RAJU :—**"I very well studied the whole of Mr. Stokes' report from this aspect of the question. I examined the various Police Acts. I came to the conclusion that it is only a misnomer to call this striking force a police force. That cannot be called a police force unless the duties that are to be discharged by this force are some of the duties laid down in any of the Police Acts. A further investigation made showed that originally the reserve police was given some of the functions, just to get out of the difficulty, of the police in order not to make the reserve a striking force, and from the recommendations of Mr. Stokes it will be seen that even some of those duties that are now discharged by the reserve police are taken away. From this it is clear to my mind that the Government has embarked upon a Central expenditure by maintaining this striking force, whatever the Finance Department and the Accountant-General may say. As defined by Mr. Stokes all the functions which this striking force is to discharge are the duties of the Military, and it is a Central subject. I wonder how the provincial Government can be allowed to incur expenditure on this branch of administration which is, according to the Government of India Act, a Central subject. That is my first objection. I hope the hon. the Finance Member will get the question examined both by his Department and the Law Department as to the legal liability. Sir, regarding the utility of the maintenance of the East Coast striking force we did maintain that it was unnecessary, and from our standpoint there is no good maintaining a force unnecessarily at the expense of the tax-payer. Besides that, with respect to this question of providing them with bicycles, I am not able to understand of what use it will be for the Striking Force stationed at Vizianagaram. From the report it is clear that they are intended to operate in times of rebellion in the Agency tracts. This country is quite unopened and bicycles cannot be used in that area. There are very few roads. Even the roads that are now existing are roads of very high gradient, and bicycles cannot be got up easily thereon. One of the chief recommendations made by Mr. Stokes regarding the Agency was that a number of roads should be constructed in that area that is generally

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subjected to the rebellion. I understand that no steps were taken in that direction, and I do not understand for a moment the meaning of purchasing bicycles unless the condition precedent of opening up that country is taken up. What is the intention of maintaining a number of cycles for the Striking Force at Vizianagaram? Hereafter they are expected to use cycles. As far as my personal knowledge goes I do not think they can use these cycles. Even during the fituri operations motor lorries were used to take the forces to various places. As far as the distances that are connected with the base of operations are concerned, with the exception of one place, Krishnaraopet, no other place can be reached by cycles on account of the gradient. I do not understand what practical utility there will be in purchasing them and placing them at Vizianagaram. I have seen portions of Malabar, and I feel convinced that roads there can be used on account of the well-developed state of the country there. To say that the same is the case in the Agency tracts passes my comprehension. Even Mr. Stokes did mention in his report that motor lorries would have to be maintained there. Of course the police do own some motor lorries. But I do not say that they should be augmented with this unnecessary and useless set of cycles which they may not have any chance of using."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I have very great pleasure in associating myself with what my hon. friend from Malabar has said. I have however only to deal with two or three aspects which have emerged from the debates that have taken place. In the first place it is said that the Striking Force that is maintained in Malabar is not justifiable. I maintain, Sir, that it is highly necessary. Towards the end of the Malabar outbreak it was found that the special police organized then was cheaper than the real military. They were also acquainted with the terrain of the district, and they were able to discharge their functions much better than the military. After the Mappilla outbreak their services were requisitioned to the fituri also. There also the Malabar constables who acquitted themselves creditably. One point which hon. Members have forgotten in this connexion is this. The Government of India have once for all declared that owing to the financial stringency and the pressure brought to bear upon them to reduce the Military force, the Provincial Governments will have to depend upon their own resources to quell such riots. If any statutory difficulties stand in the way, I trust Government will take the earliest opportunity to introduce the necessary legislation. Mr. Stokes himself has suggested such a proposal. Sir, inasmuch as the efficiency and utility of the special police has been established beyond doubt, it is highly necessary to keep them in the highest state of efficiency possible. It is therefore necessary to provide them with bicycles to keep them mobile. I would invite the attention of the House to Mr. Stokes' report itself where he refers to the advantages of having this equipment to the Malabar police force.

'In respect of equipment, armament, etc., I have no proposals to make affecting the Malabar Special Police except that I recommend the formations in each company of a section, say, of 12 men and a Non-Commissioned officer mounted on bicycles as proposed for the East Coast Special Police. These machines, I am informed by Mr. Hitchcock, have been found most useful for a considerable time past in the Malappuram Special Force; the cost of their upkeep is trifling, and the increased mobility they confer is of great value. An important consideration, to which Mr. Hitchcock drew my attention, is the fact that a squad of Military cyclists cannot be easily stopped, as a lorry can, by the destruction of a culvert or a break in the road, and they can be used over country tracks and lanes where a motor vehicle cannot. Considerable distances can be covered with comparatively little fatigue, and extra ammunition and provisions can be taken on them, as well as the rifle, if suitable brackets and other fittings

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are provided, as, of course, they should be. Should it be desired to send a detachment to a point on the Railway and from thence to a point off the line, the machines can be loaded on any train with ease; they can equally easily be conveyed with their riders by lorry to the point on the road whence it is desired to "take off".

"Sir, in view of the fact that the 6 units of the special police are proposed to be reduced to 4 by abolishing the units of Kuttipela and Peruntalamanna it is highly necessary that the police should be equipped with these cycles so that they may reach distant places easily. I have great pleasure in supporting this motion."

* * Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I am also not satisfied about the necessity for the purchase of cycles for the East Coast Special Force. The Council must be aware that during the last two years when this question of the East Coast Special Police has been brought before the Council at the time of budget discussion, objections were raised as to the necessity of maintaining special police in addition to the ordinary police. Before he can ask us to vote for this particular item in regard to the East Coast Special Police, it will be necessary for the hon. the Law Member to give an account of the work done by the special police ever since it was established in that place. It is better that we have a general idea of the special nature of the work done by the special police during this period to enable us to come to a conclusion as to whether for purposes of turning out more useful work we must sanction bicycles. Hon. Members from Malabar have spoken in favour of it. So far as these tracts are concerned in the east coast they have no use for these cycles because of the undeveloped state of the country and the steep roads. Therefore we expect the hon. Member to give us an account of the work done by the police till now and tell us how much is necessary so far as the East Coast is concerned and whether he expects these cycles to be used in the Agency tracts. If he is not in a position to satisfy the House in regard to these three points, I would request him to omit it for the present and bring it on a later occasion."

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* The hon. Sir C. P. RAMASWAMI AYYAR :—"Sir, I shall first deal with the points raised by my hon. Friend from Chittoor. If he will refer to G.O. No. 73, dated 12th February 1925, he will see that the following principle is laid down as the main proposition underlying the bringing into existence of this force.

'They are intended primarily for use in Malabar or in the Agency tracts as the case may be, and may not be called on for duty elsewhere save by the order of Government. In the case of the Malabar force, the District Magistrate will have authority to make use of the Special Police present at any given time in the district. The District Superintendent of Police, South Malabar, will have authority to requisition the services of small parties up to fifty men in anticipation of the District Magistrate's approval. The Military Police for the Agency tracts will not be under the orders of the District Superintendent of Police or the Deputy Inspector-General of Police of the district or range in which their headquarters is stationed, in the sense in which the District Armed Reserves or the Station Police are. When called out for duty, they will act in accordance with the directions of the local Magistrate or the local Police Superintendent, but those orders will ordinarily be conveyed to them through their own officers in whose hands will remain, whether at the headquarters or elsewhere, the detailed management and discipline of the force or any detachment of it.'

"Then as regards the reductions in expenditure, that is dealt with in paragraph 138 of Mr. Stokes' report and paragraph 7 of the Government Order, where we find :

'Though the ordinary Armed District Reserves cannot generally be reduced or dispensed with in view of the decision arrived at above, yet a careful examination of their present duties by Mr. Stokes has disclosed the possibility of considerable economies. The Government accept the proposed reductions in paragraph 138 of the report with the exception of the reduction that

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depends on the proposal to transfer prisoners and treasure escort duties to Taluk Police. The Inspector-General of Police establishes that the demand for men on this account varies so considerably that the addition necessary to the Taluk Police would be much greater than the saving that could be effected on the strength of the Reserve, and that therefore the proposal is uneconomical. The 285 men proposed for reduction on this account will therefore remain. In addition, the proposal not to establish general striking forces will necessitate an addition of 20 per cent to the emergency forces of the various District Armed Reserves shown in the statement in paragraph 145 of the report. Subject to the above modifications, the Government accept the eight recommendations made by Mr. Stokes regarding the District Armed Reserves, namely—

- (a) to abolish the Tuticorin force ;
- (b) to retain the Koraput Reserve as an Agency force, re-arming it with 303 magazine rifles ;
- (c) to retain, as local forces, the Kamudi and Sivakasi forces. No reduction on the strength of the latter will be feasible as there will be no striking force at Trichinopoly ;
- (d) to constitute the Cannanore and Russellkonda Reserves as local forces dependent on the Calicut and Chatrapur Reserves, respectively ;
- (e) to abolish the Parvatipur Reserve ;
- (f) to abolish the Rajahmundry Reserve, but to strengthen that at Cocanada ;
- (g) to drop the question of a separate Armed Reserve on the Nilgiris ; and
- (h) generally to reduce the District Armed Reserves on the scale given in paragraph 146 of the report.

“When the matter comes up in the budget, it will be seen that this has effected considerable economies. It will be seen that generally there has been a decrease in Police expenditure according to the budget from 165 to 159 lakhs, that is, Rs. 6 lakhs reduction. With regard to this, I think I must correct a misconception probably due to an imperfect statement on my part. Mr. Stokes' report does not recommend bicycles for the Agency tracts. On the other hand, what he says is :

‘I have suggested in paragraph 135 above for the reasons there given that in the case of the reserves in Godavari, Ganjam and Vizagapatam lorries may be provided primarily to enable the Police to carry out more rapidly and more economically long-distance escort duties.’

“Then he refers to certain other matters.

“Having regard to the question raised in this House, I will confine my present demand to the bicycles required for the Malabar Special Police and the District Reserves, that is, for 90 instead of 120 bicycles. That means that instead of a demand for Rs. 1,05,784, I shall make a demand for Rs. 75,000, with your permission, Mr. President.”

* The hon. the PRESIDENT :—“Does the Government reduce the demand to Rs. 75,000 ?”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“Yes, Sir, in the circumstances.”

Mr. C. RAMALINGA REDDI :—“My hon. Friend has just now said that there has been a general reduction of Rs. 6 lakhs in the Police budget. I want to know specifically how much has been reduced with reference to the appropriation for armed reserves.”

* The hon. Sir C. P. RAMASWAMI AYYAR :—“I cannot now say off-hand what that will be. The calculation will be made and a statement given at the budget time.”

The Demand as reduced was put and passed and the Grant was made.

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Grant X.

* The hon. Mr. T. E. MOIR :—" Sir, on the recommendation of His Excellency the Governor, I beg to move—

'that the Government be granted an additional sum of Rs. 17,400 under "General Administration—Reserved" for the continuance of the Public Works Secretariat.'

"The items on which the demand is distributed are shown in the statement which has been placed before the House. I do not think I need take up the time of the House in respect of this demand. The main question at issue was explained at some length, when I moved a grant in connexion with the Public Works Secretariat in October last. The grant which was then moved was merely to carry on the existing establishment up to the 17th of November which covered the period of six months for which the temporary sanction for the establishment had been given. We have not yet received the orders of the Secretary of State as regards this Secretariat, and we have to ask the House to provide the necessary funds to continue the existing arrangements for the subordinate establishment and for contingencies for a further period which will take us on to the close of the present financial year, that is to say, a sum of Rs. 17,400 has to be provided for the continuance of the existing establishment up to 31st March 1926."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" I am not clearly able to understand the present position regarding this demand. If I remember right, the expenditure from the starting of this establishment till the 1st of October was certified by the Governor in the beginning, and in the last grant a sum was provided for what was required for the continuance of this establishment till the end of the financial year, i.e., up to 1st April 1926. Now I cannot understand the hon. the Finance Member saying that this Council has sanctioned only the amount necessary for six months, and that the additional demand is now required for the establishment on the ground that the office of the Public Works Secretariat has not been permanently sanctioned by the Secretary of State. I am not able to follow the subject. The information I require is this: whether there was a certification by His Excellency the Governor for the expenditure, or how the expenditure was met from the starting of this office till the grant was made by this Council in October, what was the period for which that grant was made in October, and if no demand was then made till the end of the financial year what were the reasons for not making such a demand, and what is the necessity for coming forward with an additional or supplementary demand in connexion with the same department at this stage for the remaining period of the year."

* The hon. Mr. T. E. MOIR :—" Sir, I am sorry if I did not explain the position. In the case of appointments of this kind, the sanction of the Secretary of State is necessary. The Local Government can of course only give a temporary sanction, and that sanction, in the first place, is accorded for a period of six months, and it is with reference to that period of six months that the demand which was moved on the last occasion related because it was anticipated that possibly we would have received the orders of the Secretary of State within that time. We have not done so, and all that we can do is to continue the establishment on a temporary basis for a further period. The demand moved now is to cover the period from the 17th November up to which the grant was made at the October meeting up to the 31st of March of

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[Mr. T. E. Moir]

the current year. The provision for the period subsequent to that date will of course appear in the budget for 1926-27. I am not quite sure if there is any other point the hon. Member wishes to know."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Does this demand or the last demand, either of them, include the pay of the Secretary himself?"

* The hon. Mr. T. E. MOIR :—"No, Sir. The salary of the Secretary is a non-votable item. This demand relates to the votable items, viz., the pay of the Assistant Secretary, and of the subordinate establishment and such contingencies as are necessary for the service of the office."

The Demand was put and passed and the Grant was made.

V

MOTIONS ON THE REPORT OF THE EXCISE ADVISORY COMMITTEE

The hon. Member Mr. S. Satyamurti, in whose name the first motion stood, not being in his place when the hon. the President called out his name, Rao Bahadur T. A. RAMALINGA CHETTIYAR, in moving the next resolution, said :—"Sir, I formally beg to move the following resolution, reserving my speech :—

'That this Council recommends to the Government—

(a) that it shall declare that total prohibition is the goal;

(b) that Licensing Boards be constituted with non-official elected majorities with directions—

(1) that the number of shops selling arrack, toddy, and foreign liquor be reduced by fifty per cent in five years; and

(2) that the issue of arrack and foreign liquor to each shop be reduced by five per cent of the quantity issued last year, 1924-25, so that there may be a progressive reduction of ten per cent in the second year and so on;

(c) to prohibit sale altogether on market, festival and pay days and to exercise more stringent supervision;

(d) that auctioning of shops be abolished and fixed fees levied; and

(e) that the methods to be adopted to attain the goal be reconsidered again at the end of five years.'"

Mr. C. RAMALINGA REDDI :—"I second it."

Mr. R. SRINIVASA AYYANGAR :—"By some oversight, when you called out the name of Mr. Satyamurti, some of us did not get up to move his resolution under the impression that he would be allowed to move it later on. If you will permit it, I will formally move that resolution."

The hon. the PRESIDENT :—"There is still time for Mr. Satyamurti to come back."

Mr. B. MUNISWAMI NAYUDU :—"I formally move the resolution standing in my name :—

'That this Council recommends to the Government that it should be the declared policy of the Government that total prohibition of drink is the ultimate goal to be attained within a period of 30 years, and that the same be worked up to by gradual decrease in the number of shops as regards toddy and by gradually reducing the consumption of arrack by

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adopting rationing or other policy and further recommends to the Government that with a view to give effect to the policy immediately, the Finance Committee be requested to explore and report to this House the possibilities of making up the loss of excise revenue by retrenchment of expenditure or other means.'"

MR. K. SITARAMA REDDI :—" I second it."

Rao Bahadur C. NATESA MUDALIYAR :—" I beg to move—

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' That this Council recommends to the Government that local option should be the immediate policy of Government, and further recommends that Government should explore, with the assistance of a committee of this House, the financial sources available for gradually recouping the loss of the Excise Revenue with the view of finally adopting total prohibition ?' "

MR. R. MADANAGOPAL NAYUDU :—" I second it."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I beg to move—

' That this Council is of opinion that the recommendations of the Excise Advisory Committee are not calculated to effect any substantial improvement in excise administration and makes the following recommendations to the Government :—

- (1) that it be declared that the goal of the excise policy is the total prohibition of drink, and that the goal will be worked up to by definite stages and as early as possible ;*
- (2) that steps be taken to reduce the quantity of arrack manufactured or available for sale by a fixed proportion every year, so as to eliminate it altogether in 20 years ;*
- (3) that steps be taken to reduce the number of trees tapped for toddy year after year ;*
- (4) that steps be taken to reduce the quantity of foreign liquor available for sale ;*
- (5) that steps be taken to reduce the number of shops for the sale of intoxicating liquors or drugs and to increase the excise duties ;*
- (6) that a system of local option be introduced, with an extension of the franchise now fixed for election to the local bodies ;*
- (7) that the constitution of the proposed Licensing Boards and Advisory Committees be made more popular by the increase of the non-official and the decrease of the official element therein ;*
- (8) that the powers of the proposed Licensing Boards and Advisory Committees be extended to toddy shops and be made more real and effective ;*
- (9) that facilities be given to local bodies, village panchayats, co-operative societies, temperance societies, social leagues and other non-official agencies to carry on educative propaganda among the masses regarding the evils of drink and to organize vigilance committees to prevent illicit distillation of liquor ;*
- (10) that provision be made for the teaching of temperance in schools ;*

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- (11) *that a large portion of the sum secured by the remission of provincial contribution amounting to not less than half that sum, be set apart annually to recoup the loss of excise revenue ;*
- (12) *that measures of general retrenchment of public expenditure be undertaken to recoup the loss of excise revenue, while retaining the establishment necessary for the suppression and detection of crime in regard to excise matters ;*
- (13) *that if after setting apart a portion of the amount of provincial contribution remitted and after effecting retrenchments and after increasing excise duties it is found that there is still a deficit proposals of taxation be undertaken to the extent necessary to cover such deficit ; and*
- (14) *that in view of the delay which has already taken place, immediate steps be taken to give effect to reforms in excise administration on the lines indicated above'."*

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

Mr. R. VEERIAN :—

" That this Council recommends to the Government that it be a direction to the Excise Licensing Board that may be constituted that no shops for selling toddy, arrack or beer should be located in or near the Cheris or other localities inhabited by the members of the depressed classes."

Rao Sahib R SRINIVASAN :—" I second it."

* Mr. S. SATYAMURTI :—" Sir, I am sorry I was not in my place when my name was called and I apologise to you and to this hon. House for it. With your leave, I beg to move :—

' That this Council expresses its dissatisfaction with the wholly inadequate recommendations of the Excise Advisory Committee, and recommends to the Government that they should declare their policy to be the total prohibition of the manufacture, consumption or sale of alcoholic liquor and that they should take immediate steps specifically to bring about total prohibition'."

Mr. R. SRINIVASA AYYANGAR :—" I second it."

The hon. the PRESIDENT :—" All these resolutions having now come into the possession of the House will be taken up at the next meeting and will have precedence over the Malabar Tenancy Bill."

VI

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL, 1925.

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, I beg to move that—

' This Council accepts the principles of the Legislative Bodies Corrupt Practices Bill introduced in the Legislative Assembly on the 25th August 1925.'

[Sir C. P. Ramaswami Ayyar] [18th December 1925]

"I take it that the hon. Members of this House are already in possession of the papers relating to this matter. It will be remembered that in pursuance of an undertaking of the hon. the Home Member of His Excellency the Viceroy's Executive Council it was suggested that the Indian Legislature should be acquainted with the views of the local legislatures and the local Governments on the matter and that the hon. the Home Member undertook, on behalf of the Government, to obtain opinions by executive orders. The opinion is therefore sought in regard to this matter.

"I do not know whether it is necessary for me to advert to these extracts from the Report of the Reforms Enquiry Committee and the extracts from the Revised Statutes of the United States and the Revised Canadian Statute which are appended to the papers which have been placed on the table of this hon. House. Suffice it to say that under the rules of the Revised Canadian Statute everyone is guilty of an indictable offence and liable to fourteen years' imprisonment who—

(a) holding any judicial office, or being a member of Parliament or of a legislature, corruptly accepts or obtains, or agrees to accept, or attempts to obtain for himself or any other person, any money or valuable consideration, office, place or employment on account . . . , or in his capacity as such member ;

(b) corruptly gives or offers . . . such act or omission.

"Now, Sir, the Statement of Objects and Reasons makes it clear that the Reforms Enquiry Committee recommended that the corrupt influencing of votes of the members of legislatures by bribery, intimidation and the like should be made penal offences under the ordinary criminal law, and paragraph 124 indicates that this recommendation was the unanimous recommendation of the Committee as a whole. The tender of a bribe to, or the receiving of a bribe by, a member of a legislature in India as an inducement for him to act in a particular manner as a member of the legislature is not at present an offence.

"Now, Sir, in the speech of the hon. the Home Member he pointed out that

'As the law stands, bribery of members of legislative bodies is not punishable although bribery of an elector is an offence.'

"Before this House goes further let me point out exactly what took place when Pandit Motilal Nehru intervened in the debate with reference to his membership on the Committee. He says :

'As I understand it the principle of the Bill is simply this, that a corruption in a member of the legislature should be made an offence and punishable.'

"Let it be remembered by this hon. House that this was what he said with reference to the underlying fundamental principle of the Bill. He proceeded to say :

'That alone I consider to be the principle and no more ; and I take it that it will be open to the Select Committee to say that instead of this Bill it is quite enough to add a section to the Penal Code to secure the desired result.'

"Then in answer or in response to that the hon. Sir Alexander Muddiman said :

'Sir, as I understand it, the position stated by the hon. Pandit is the position, that is to say, I am asking him to affirm the principle that bribery of a Member of a Legislative Body should be made punishable. That is all I ask.'

"The point, therefore, which I place before the House is that it should assent to the proposition that bribery of a member of a legislative body is punishable. If this hon. House wants to add any corollary or to amend

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the proposition it is at liberty to do so. Be it remembered that what is required is assent to what we regard as the underlying principle of the Bill and that is why I move that

'This Council accepts the principles of the Legislative Bodies Corrupt Practices Bill introduced in the Legislative Assembly on the 25th August 1925.'

"I have quoted the speeches simply to make it clear that the principle adverted to by the hon. Pandit Nehru was accepted by the Home Member as being the fundamental principle underlying the Bill."

* The hon. Mr. N. E. MARJORIBANKS :—"I second the motion."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"In the beginning I want to point out that the resolution adverted to by the hon. the Law Member does not contain any particular principle of the Bill. The resolution distinctly states that all the principles are to be adopted. I do not know why the hon. the Law Member now wants us to concentrate attention on only one principle of it."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"It is not that this Council should concern itself with this portion only that I referred to it. I felt it my duty to point out what happened exactly in the Legislative Assembly where a question was put and asked by one member and an answer was given by the hon. the Home Member as to what was conceived to be the underlying principle of the Bill. I do not want to resile from the position that personally I stand by the Bill. However I do not want to fetter the discretion of this House."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I have not said that the hon. the Law Member wanted to fetter the discretion of this House. As a matter of fact he cannot. But what I was saying was that the principles underlying the Bill as a whole constitute the question before the House under the resolution before us. My only question is whether he is justified in now saying that this is the only principle of the Bill and all the others are only subsidiary."

"If I understand that speech of the hon. Pandit Motilal Nehru, it is clear to my mind that what he asked was if the Government Member agreed that the only principle on which the Assembly was asked to commit the Bill to the Select Committee was that bribery should be punishable as an offence. As to the other details and the nature of punishment and all others they are principles embodied in the Bill. There is not any difference of opinion on that particular aspect of the question. Sir, yesterday a motion that was agreed to by some members of this House was circulated . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"I do not know of it."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I am sorry that the hon. the Law Member has not been provided with a copy of it which was forwarded to all sections of the House."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Sir, I have not seen a copy of it till now but I heard something about it. It may be my mistake ; it might be mixed up with my other papers but I think that is unlikely."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, the agreed amendment has been signed by Messrs. Ramaswami Mudaliyar, Satyamurti, Rajan, Krishnan Nayar and myself."

"I am sorry the hon. the Law Member says that he has not seen it."

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* The hon. Sir C. P. RAMASWAMI AYYAR :—" All that I say is that the mistake was not mine. None of us on this Bench nor the Advocate-General has seen it. But I take no objection on that ground. It may be that these papers are among my files."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" For the advantage of the busy Law Member, may I read the terms of the amendment?"

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not pretend to be more busy than the Leader of the Opposition, Sir."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" The only difference is that I never said that I have not perused papers."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I only stated that I never got the papers and not that I did not read the papers."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" That is another difference between the occupants of the paid Treasury Benches and honorary workers. Now, Sir, the terms of the agreed amendment which I now move are these :

' For the words following the word " accepts " substitute the following words : " the principle of making punishable corruption on the part of Members of legislative bodies in India in the execution of their duties as such and considers "

" The only difference is as to who should sanction the initiation of such a proceedings. Regarding the three items that follow in the amendment, there is material difference between the Bill and the principles. The amendment further is :

' and considers—

- (1) *that a committee of the legislative body concerned appointed by means of the single transferable vote of which the President of the legislative body concerned shall ex officio be a Member and the President, and the Deputy President shall ex officio be a Member shall be constituted a court of record to try the offences mentioned in the Bill ;*
- (2) *that the maximum punishment to which a person convicted of any such offence should be liable shall be expulsion from the House ;*
- (3) *that the previous sanction of the President shall be necessary for the initiation of the proceedings for any such offence.*

4 p.m. " According to the Bill, the ordinary court is given the power to try the offence. Any offence committed by a Member of this House is largely during the discharge of his functions in the House. The real forum should be ' this House or a committee of this House.'

" Attention has been drawn to the publication of the provision of the Canadian constitution and the United States constitution. But the very fact that the existence of such a forum is only to be found in two institutions shows other parliamentary institutions did not take cognizance of the offence. As far as the Mother of Parliaments is concerned, it is clear the jurisdiction vests in a committee of the House. That is why we also have adopted the principle that a committee of this House shall be appointed for the purpose of exercising these functions.

" Regarding the maximum punishment, it is imprisonment for three years or fine or both. According to the parliamentary practice, the punishment is

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only expulsion from the House. We do not want that any punishment which is not adopted by the Mother of Parliaments should be adopted by the legislative councils. In the earlier stages of democracy, it is safe that the maximum punishment shall be expulsion from the House. As the system works and as experience is gained, this matter may be examined, if need be. We believe for the present a punishment of this nature, namely, expulsion, is enough and will have sufficient deterrent effect against the abuse of any functions by a member of the council to the detriment of the nation and of the country.

"Now, there is the other question as to under whose sanction the prosecution is to be taken. The Bill provides that the sanction shall be by the Executive. We strongly object that the Executive shall have anything to do in the matter of initiating proceedings under this Act. We think the President is the proper person who shall be vested with the power of sanctioning any prosecution that may be necessary. He will be an impartial person elected by the House; he can weigh all questions; he will be the proper person to sanction it and not at all the Executive. For these reasons, we have tabled the amendment with the principles explained by me and I am sure the House will accept it."

Mr. A. RAMASWAMI MUDALIYAR :—"Mr. President, I beg to second the amendment moved by the Leader of the Opposition. I must express somewhat my surprise that the Government of India should have taken the question at this stage. We have had five years of the Reformed Government, and after an experience of a few years the Government have thought fit to come forward with a legislation of this kind to prevent corruption among Members of the Legislative Council. I do not think that anybody can discern in the sentiments given expression to by the Members of this House any desire to countenance a conduct reprehensible on the part of any Member of the Legislative Council. But I must express my surprise that while the Government felt no anxiety and have shown no desire to enhance the privileges and prerogatives of this House, to preserve the dignity of the Chair, to preserve the dignity of the House, they should have come forward a little too hastily—so I venture to say—with a legislation of this kind. Has there been any case in any of the provincial legislative councils or in the Legislative Assembly which has come to the notice either of the Government or of the public, making it necessary for a legislation of this kind to be undertaken at this stage? So far as my recollection goes, I do not think such a thing has been suggested of any Member of the Legislative Council. I remember during the days when the Bengal Legislative Council was discussing the question of Ministerial salary, there were allegations and counter-allegations on the nature of the vote given by certain Members of the Legislative Council; and I am afraid that the committee which considered this question was a little too obsessed by what happened in the Bengal Legislative Council and have proposed a palliative in a rather hasty manner."

Mr. C. RAMALINGA REDDI :—"May I correct, Sir? It must be 'on what was alleged to have been done'."

Mr. A. RAMASWAMI MUDALIYAR :—"The hon. Member need not have interrupted me, because I said quite clearly there were allegations and counter-allegations. I did not venture to express any opinion on the subject because I could not. I only took them as bare allegations. It seems to me that this committee which has gone into this question has, as I was observing,

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been obsessed by the idea of what happened in Bengal and has come forward with this piece of hasty legislation at this present juncture. The manner in which the legislation has been proposed is only equalled by the matter which is contained in the legislation. If the manner is objectionable, the matter is still more objectionable. I venture to think that the making of a provision of this kind and the giving of powers to anybody in the world to move for the prosecution of a Member of the Legislative Council is rather going far beyond what is required by the exigencies of the case.

The hon. the Law Member suggested that there was only one principle underlying this measure, the principle whether any dereliction on the part of a member of the legislative council in the nature of corrupt practices should be punished or not. I do not think that is merely the principle. There are at least two principles even according to Pandit Motilal Nehru. The first is whether a member of the council being guilty of a corrupt practice by voting in an illegal manner should be punished, and secondly whether it should be an indictable offence. So far as I can understand, Pandit Motilal Nehru distinctly says, or is prepared to go so far as to say, that a Member of the Legislative Council having deviated from the proper exercise of his duties or adopted improper methods, should be punished as if he were guilty of a criminal offence, should be punished by a court of law, should be punished by means of those processes which are associated with an indictable offence. As I understand it, the principle of the Bill is simply this: that corruption in a member of a legislative council should be made an offence and should be punishable. And again, all I consider to be the principle is that corruption in a member is to be declared an offence which at present I think it is not, because we are not supposed to be public servants. From all this it is clear, whatever view Pandit Motilal Nehru may take hereafter, that at that stage he had not the analogy of the House of Commons before him and he did not wish that this Council should have a plenary jurisdiction, so that through its president or through its own committee it should exercise jurisdiction over the conduct of the Members of this House. If that is not the case, the principle for which the hon. the Law Member is contending is not a principle to which we can give our acceptance. We want to make it perfectly clear that it will be against the sound development of democratic traditions if every Member of the House were at the mercy of anybody; any public informant who may rush to a court of law and ask him to stand his trial and defend himself going through the costly processes of law. We think that it will not help in the proper discharge of his duties by a Member, but it will rather be a severe handicap on the proper exercise of his functions if he were at the mercy of any public informant and asked to stand his trial before any magistrate. It seems to me that in the present state of the country, without full responsible Government, with two sides of the Government functioning, with the most important portfolios of Police and Magistracy on the Reserved side, it seems to me that it would be most dangerous for a Member of the Legislative Council to put himself in the position of being prosecuted by anybody, before any magistrate, at any time, for what he may be alleged to have done in giving his vote one way or the other in this Council. Therefore if that is the principle of this legislation I firmly and emphatically vote against it. The amendment that my hon. Friend has suggested, and I have suggested, is this: So far as I am concerned, while I am not prepared to say that the time has come that we should take powers to check any improper conduct on the part of any Member of

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this Council while there is nothing during the last five years in the way in which the Members of the Legislative Councils or Assembly or Council of State have functioned, I suggest that it is desirable and expedient that such power should be taken; at the same time we realize that it is one of those things, like the corrupt practices in regard to elections, that must be on the statute book for our own safety and for the proper discharge of the duties of the Members of the Legislative Council, and to that extent we are agreed, that there must be some provision by which any such possible vagaries, either in the distant and remote future, or even in the immediate future, would be checked on the part of the Members of the Legislative Council. But we distinctly suggest that this House should have its own jurisdiction over such members, that if a member is to be punished it ought to be through the President and by a committee of peers of the Member concerned, that it ought not to be by any of those public servants sitting in judgment over the conduct of representatives of the people in their capacity as representatives of the people, for it will largely derogate from either the dignity or the usefulness of the elected Members of the Legislative Council, if they are to be hauled up before public servants. It would be intolerable, and it would be impossible for any Member of the Legislative Council to freely criticize the conduct of public servants if there is this Damocles' sword hanging over his head. Therefore the first principle—not so much the making punishable a conduct which is reprehensible on the part of a Member of the Legislative Council—but the wider and more important principle that he can and ought to be judged by a committee of his peers, is to my mind the main principle underlying this suggestion to make certain offences punishable. Again, Sir, it ought not to be at the sweet will of any particular person that a Member of the Legislative Council ought to be hauled up for an alleged offence. It ought to be after a certain preliminary sanction is obtained. We know that public servants are safe, even as against themselves, we know that no charge can be laid against public servants unless sanction is taken under a certain section of the Criminal Procedure Code; and similarly I feel that it is only fair that before a Member of the Legislative Council should be charged with an offence there ought to be a preliminary sanction, from the proper person to consider that case or from some committee that may be appointed, and it is only after such preliminary sanction is obtained he ought to be called upon to stand his trial before a committee of his peers. It may be alleged that a committee of this House may not function properly, that when party systems are growing up, and when feelings run high, it may not be safe to leave the judgment to that committee. I have no such hesitation or doubt in the matter. Belonging as I do to a party and glad as I am that I am not one of those Independent Members of the Council but a party man, I still venture to think that if there is a committee of the House composed whether by the single transferable vote or by election on party basis, the members of both parties will forget all party differences, will rise above all party inclinations when a matter of this kind is brought before them, and remember that they are there to dispense justice holding the scales even between man and man and they will not be influenced in the slightest degree by the fact that the person who is standing for trial belongs to this or that party. I have no doubt about that at all. I only venture to think, if anybody has got doubts, the best way is to promote a healthy tradition and make the Members realize their own responsibility and see to it that they function in a proper manner, I have great pleasure in supporting the

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amendment which to my mind is probably a direct negation of the resolution by the Legislative Council—but I may not contend it is a direct negation because you will rule me out of order. I have great pleasure in supporting the amendment moved by the Leader of the Opposition."

4-15
p.m.

* Diwan Bahadur M. KRISHNAN NAYAR:—"I have great pleasure in supporting this amendment. It involves two principles. The first principle is that this House looks with disfavour upon those Members of it who are guilty of any corrupt practice. The first part of the amendment declares that corrupt practices on the part of Members of this House should be rendered punishable and the second part of the amendment, viz., paragraphs 2 and 3 embody in them the principle that this House is very jealous of its privileges and its dignity. With reference to all the stages of an action that may be taken against a Member who may be found guilty of any corrupt practice, as will be seen from the third part of the amendment, that jealousy of this House is to be maintained. The first stage is with reference to the initiation of the proceedings. Proceedings can be initiated only with the consent and with the sanction of the President of the Council. The next stage is with reference to the actual conduct of the proceedings against a Member that may be charged with any corrupt practice. In the third stage also this amendment shows that this House is, as it ought to be, very jealous of its dignity and that stage is with reference to the tribunal to conduct the enquiry against an offending Member. It says that that tribunal should be a committee of this House chosen in a particular manner and that is the important part of the amendment. Again in the last stage, the punishment stage, this amendment refers to the jealousy of this House regarding its privileges and its dignity as it provides that the extreme punishment to which a Member charged with corrupt practices should be subjected is that he should be expelled from the House. So that all that this amendment seeks to provide is that Members of this House who may be found guilty of corrupt practices should be punished and that the dignity and the privileges of this House should be maintained. I therefore commend it for the acceptance of the House."

* Mr. S. SATYAMURTI:—"Mr. President, this motion seems to be, more or less on the part of the Government, a mere test of the feeling of this House on this matter. As my hon. Friend the Leader of the Opposition pointed out, the motion seems to be intended to read the feeling of the Members on the Bill. According to ordinary English terminology, such a motion asks for our approval of the procedure prescribed in the Bill, the tribunal to be set up under it and the punishment prescribed in it. But the hon. the Law Member was good enough to say that he is asking the House to agree to this principle that corruption on the part of Members of Indian legislatures should be made punishable. If that is the only proposition, Sir, to which we shall be committing ourselves by voting for his motion, he should be quite ready and willing to accept our amendment. Because, our amendment in the preamble says that we accept that principle.

"Then, with regard to procedure and punishment, apparently he has no ideas."

* The hon. Sir C. P. RAMASWAMI AYYAR:—"Pardon me, Sir."

* Mr. S. SATYAMURTI:—"At any rate, he has not communicated to us his ideas on the Bill for our positive, affirmative approval. I invite him

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respectfully to accept our amendment; because in any case it would be carried, and I think it would be graceful if it is unanimously passed, if the Government agrees to that amendment.

"Sir, I agree with the hon. Member from Chingleput that the Government of India, whose wheels usually grind very very slowly indeed, have shown a somewhat unprecedented, and I may add, unexplainable promptitude in trying to put down corruption on the part of Members of Indian Legislatures. I believe my hon. Friend from Chingleput is right when he said that the whole of this agitation sprang from those vile and baseless allegations which were made against one of the greatest of Indians who ever lived in this country—the late Desabandhu Das—that he corrupted some Members of the Bengal Legislative Council and thereby sought their votes for defeating the motion for the Ministers' salaries. Those allegations were made in Parliament by the Secretary of State for India. On the floor of the Legislative Assembly, my friend, Mr. Goswami, challenged the Government to give the facts on which they made such allegations. The facts are yet to come. But, having made those allegations the Government now ask us to agree to this principle that you should make punishable the crime of bribery on the part of Members of the Legislatures. Of course no decent Member of any Council will say that he objects to the principle. Really, nobody wants to say that a man who is proved to have taken a bribe for the purpose of his voting being influenced one way or the other deserves to be a Member of any Legislative Council. We all agree to that principle, but our position is this: that in the present stage of the political development of the country we ought to vest this power in the legislatures themselves. But may I say, Mr. President, that in trying to introduce this from English parliamentary practice we are really premature? For after all, Mr. President, what are the powers of this Council? What is the value of our votes? In England, Parliament can make and unmake things. They can create corporations, finance corporations, promote private Bills, etc. As such, there, one can understand the tendency on the part of some citizen to bribe a Member. I assure you, Sir, that there is no citizen in the Madras Presidency who has his wits about him, who will attempt to bribe any impotent Member of this Council. What is our power? We pass resolutions, they are turned down; we reject grants, they are certified; we vote for Bills, they are either reserved for the Governor-General's consent or veto, or sent back with amendments or without amendments. They all know our impotence and our citizens know them, none better. Therefore, it seems to me that we are legislating against an imaginary evil, since this Council does not really possess the power which parliaments in other countries possess.

"But, Sir, may I not, dialectically, but as a proposition for the Treasury Bench to meet, ask them what is the legislation they are proposing, to prevent the standing corruption by an alien bureaucracy with vast powers of patronage in their hands being distributed carefully and judiciously among the members of legislatures, so that many of us who are anxious to get into the favours of the bureaucracy are sometimes unconsciously influenced in our votes? I am not saying that any Member of this House has been influenced or is likely to be influenced; but I am merely suggesting that possibility, when Members of the Legislative Councils and Members of the Legislative Assembly are eligible for paid appointments and for honorary appointments and are so appointed. What is the legislation which the Government have contemplated

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or have in contemplation for putting down this standing corruption? Now, Sir, I do suggest that they ought to bring in a Bill to say that no Member of the Legislative Council or Assembly should accept any appointment paid or honorary or any favour from the bureaucracy. If this is done, it will conduce to an amount of independence of this Council which will be consistent with our duties. You do not do that. You keep all the power in your hands—nominations to all kinds of bodies from the village panchayat right up to the Legislative Assembly and, I may add, to the Council of State, about which I am sure the hon. the Law Member is now exercising his mind. All these things are in their hands. And for one appointment they have to make, they have got 100 applicants and all these applicants vie with one another in being in the good books of the bureaucracy. There, corruption is not of one man alone, but of the 99 others who were applicants, who want to prove their claims to office by being very good in the eyes of the bureaucracy. Therefore, the Government should bring in some measure to put down this temptation that they themselves are holding forth to these people.

"Then again, we have been having the spectacle of a Minister of the Punjab having been appointed to the Viceroy's Executive Council, his place kept warm for him by a nominee being placed there, he being asked to resign when the permanent Executive Councillor came back and this Minister re-appointed. That is only one example of the way in which the Government is trying to promote democracy and responsibility in this country.

"Then, Sir, Sir Alexander Muddiman quoted the example of the United States of America. I wish he had not quoted that example. I do not want to speak disrespectfully of a country with which His Majesty is in alliance, but at the same time, it must raise a smile on the lips of anybody who knows the political conditions in America, when we are asked to pattern our political institutions on the lines of the United States of America.

"I suggest that in these matters the real remedy is to create healthy public opinion. After all you are not going to legislate effectively against bribery. If people will offer bribes, people will take bribes. The hon. the Law Member knows, none better, that really we cannot put down corruption in all public bodies by mere legislation (Laughter). I mean no offence. (Laughter). I mean this . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"It is a very left-handed reference, Sir."

* Mr. S. SATYAMURTI :—"I merely mean this . . ."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"He did not mean anything wrong, I am sure but it is open to that construction."

* Mr. S. SATYAMURTI :—"I am sorry. Let me explain myself. As the Member in charge of his portfolios, he must have come into contact with officers under his charge who have not been strictly adhering to the laws on the Statute Book. What is wanted therefore is to create healthy public opinion and not to rely too much upon legislation of this kind.

"Then, coming to the merits of the Bill, I desire to say that so far as the reasons given either in the report of the Muddiman Committee or in the

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Statement of Objects and Reasons are concerned, we cannot agree with them. The Muddiman Committee, in their report, paragraph 91, say this :

‘ It has not been suggested to us from any source that legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the legislatures in other parts of the Empire. . . . Eventually, no doubt, similar provision will be made in the constitution of British India.’

“ I do not know, Sir, why the Muddiman Committee should say that they cannot conceive of giving to this Council the powers which this amendment asks should be given. We provide, Mr. President, that there ought to be a committee of which you, Sir, or your successor should be an *ex officio* Member and the President, and the Deputy President should be an *ex officio* Member, and a limited number of Members should be elected by means of the single transferable vote. That gives us a tribunal in which we have confidence and, after that tribunal is established, we have provided that the previous sanction of yourself or your successor shall be necessary for the initiation of the proceedings and lastly the maximum punishment we have provided is expulsion from the House. Thus we have gone, as far as we can, to meet the Government. I hope the Government will be satisfied with that advance and not ask us to go further.

“ Then, in the Reforms Enquiry Committee report they say :

‘ We are given to understand that there are at present no means of dealing with the corrupt influencing of votes within the legislature.’

“ On this matter, I must join my hon. Friend the Member for Chingleput 4-30
who has rightly characterized the action of the Government as a gratuitous P.m.
insult upon the Indian Legislatures. We are working under great limitations, and I think I may well claim that it has not been seriously suggested, either here or in England, that there has been any single instance of corruption with regard to votes of members inside the Legislative Council by means of bribes being given to them by other people.

“ Coming to the Bill itself, there are definitions in it which may prevent even those cases where we contemplate certain poor men coming into the Council. For instance, certain trade unions or labour unions or certain political associations may finance certain elections, may also pay some allowance for gentlemen being members of Councils. Unless we contemplate that these Councils should never become democratic assemblies, as the Bill seeks to do at present, and unless it is amended, it may make even these small allowances, subsidies, salaries and contributions as bribes and render these unfortunate men punishable as offenders. My hon. Friend, the Law Member, read one sentence from the speech of my leader Mr. Pandit Motilal Nehru. I want to read just one other sentence and that is this :—‘ I do not at the same time pledge myself either to the procedure or the definitions in the Bill.’ It will be seen therefore that he took a position of non-committal, so far as the definitions of the Bill were concerned. We in this House have filled up the *lacunae*, have also provided for the procedure, and have also laid down the maximum punishment for an offence of this kind. I therefore hope that the Madras Government in communicating the opinion of this House will take care to point out to the Government of India that in passing this resolution we agree to nothing more than this, namely, that we are anxious that each legislature should be vested with the power of punishing corruption on the part of members in the exercise of their duties

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as such members, provided the tribunal is of the Council itself, provided that the initiative is taken by the President himself, and provided also that the maximum punishment does not exceed expulsion from the Legislative Council."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, while I do not seek to justify the circumstance and while I frankly admit that by some oversight or by some carelessness somewhere—I am prepared to assume carelessness on the part of the paid bureaucracy—neither myself nor my hon. Colleagues have had a copy of the agreed amendment; it is with regret that I say that we cannot put forward arguments which might have been developed more leisurely and with more care if we had those copies in advance."

* The hon. the PRESIDENT :—" With a view to expediting business the office undertook this matter and this amendment was circulated in the usual way in which ordinary amendments are done."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" I do not want to exculpate myself from that. Perhaps it would have been more advantageous if I had been given a copy yesterday. But that is another matter and I do not want to lay much stress upon that. At the same time, I have had the advantage of listening to the remarks that fell from the lips of my hon. Friends, the Leader of the Opposition, the Member for Chingleput, the Member for the University and also the Member for Malabar. Now, let me say at once that in the opinion of Sir Alexander Muddiman, the main purpose of the Bill was rendering punishable bribery or corruption of members of Legislative bodies. That is the principle for which he pleaded and that is the principle which he wanted adherence to before the Bill was referred to a select committee.

"Looking to the Bill itself one would see that in the definition of a member of the Legislative body is included a member of either chamber of the Indian Legislature or of the Legislative Councils constituted under the Government of India Act. It sets out an enacting section which says 'whoever gives a gratification . . . shall be punished with imprisonment. I do not see that there are more than two principles involved in this Bill, the first principle being the rendering punishable bribery or illegal gratification on the part of a member of a Legislative body in the course of his duties or action as such and secondly, rendering such a conduct liable to punishment under the ordinary law. Under the agreed amendment which has been placed before the House the first principle, namely, the principle of making corruption on the part of members punishable is accepted. So far so good. But this House is invited to see that a committee of the Legislative body be constituted as a court of record. It is necessary to point out that that can be done only by a special statute. At the present moment the only Courts of Record are the High Courts in this country and they are vested with some special and inherited power. It is well known that the House of Lords is a Court of Record in England in addition to its being an ordinary Civil Tribunal of the highest instance. Any analogy drawn from the Houses of Parliament with regard to this matter would be misleading, because the House of Lords in the course of various political conflicts and the reconciliation of those conflicts historically, promoted itself to that high status and is recognized to possess powers of a court of record. The House of Commons acting in conjunction with the House of Lords possesses powers of impeachments, etc., which are historically *sui generis* and which cannot be claimed by other bodies. The expression High Court of Parliament must not be lost

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sight of. The constitution of a court of record is a matter which is invested with considerable difficulties. That an ambulatory committee composed of Members of the Legislative Council should, after election by a single transferable vote be constituted as a court of record for trying offences of corruption or bribery of these members would involve so many legal problems that I fail to see the usefulness of such a proposition at the present moment."

Mr. R. SRINIVASA AYYANGAR :—"What of that matter—instead of designating it as a court of record we only call it a court."

* **The hon. Sir C. P. RAMASWAMI AYYAR** :—"If it is an ordinary court then there would be a further difficulty, viz., that the moment it is constituted as a court of judicature, the High Court in this country would have powers of supervision over it."

* **Mr. S. SATYAMURTI** :—"What is the difficulty in constituting the whole House as a court of record and investing it with the power to make rules?"

* **The hon. Sir C. P. RAMASWAMI AYYAR** :—"That is a very big proposition and it seems to me that, without very much more careful preparation, I cannot give an answer offhand. In this connexion, I may say that I made myself responsible for some such statement some time back in dealing with a particular newspaper which had erred, in my humble judgment, in a particular manner, and at that time the Members of this hon. House were very loath either to arrogate such jurisdiction or exercise such jurisdiction."

Mr. C. RAMALINGA REDDI :—"It was I that put forward the proposition that we would gladly co-operate if Government would bring in any legislation by which these judicial functions could be given to this Council."

* **The hon. Sir C. P. RAMASWAMI AYYAR** :—"At this moment I wish to say only this: that the Select Committee on this Bill will go into all the views expressed by this hon. House. But I am afraid I cannot, at this short notice and having regard to the tremendous difficulties involved in the suggestion, agree to the suggestion that an ambulatory and fugitive body such as the Legislative Council committee should be constituted as a court of record."

"There is one other matter which I wish to mention before I conclude, and that is with regard to the suggestion that the maximum punishment shall be expulsion. If you once concede bribery—far be it from me to suggest that any case has arisen or is likely to arise in any Legislature or that this section has reference to actual things that have happened—for a moment that a member without considering his responsibilities and the trust reposed in him has got an illegal gratification, then I ask whether it can be said that expulsion should be the maximum punishment for his offence. It seems to me that, if you grant the enormity of the offence and the circumstances under which it is committed, there can be no two opinions that expulsion is quite inadequate."

Mr. C. RAMALINGA REDDI :—"May I know what is the maximum punishment in the House of Commons?"

* **The hon. Sir C. P. RAMASWAMI AYYAR** :—"The maximum punishment is impeachment as in the case of Warren Hastings."

* **Mr. S. SATYAMURTI** :—"May I point out that Warren Hastings was not impeached as a Member of the House of Commons but for his conduct as being the Governor-General of India? Corruption of any Member in the House of Commons may by itself entail his expulsion. If that is done

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here, it is a very big thing and I do not think that any man who has any future to look forward to will commit offences of this kind, which will lead to his expulsion from the House."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" That proposition is quite correct. The punishment that is normally awarded in the House of Commons to any members who might be guilty of corruption is expulsion. A passage is quoted from page 68 of May's Parliamentary Practice. But what I wish to point out is that there is always a residual power vested in the House of Lords and in case the House of Commons want to award a man greater punishment than expulsion, then they can presumably always go to the House of Lords and impeach him."

Mr S. SATYAMURTI :—" Impeachment has ceased to be in existence. I have not seen a single case for a century and more "

The hon. Sir C. P. RAMASWAMI AYYAR :—" That it has not happened is due to the decorum of the House, the absolute infrequency of offence or the absence of the occasion for such impeachment. (Mr. S Satyamurti :—What about General Dyer?) If the occasion arises, then the House of Lords may go into such cases as the Supreme Court of the realm and deal effectively with the case. There is no doubt that historically the House of Lords has got immense powers in the matter of Attainder, Impeachment and so forth. It may be that the point requires further consideration. I do not want to dogmatise, by any means, but granted that there has been offence and granted also the enormity of it, it seems to me that the maximum punishment of expulsion seems to be quite inappropriate. A copy of the debate of this House and the vote of this House on this matter will however be communicated to the Government of India and the Members of the Select Committee on this Bill."

Mr. C RAMALINGA REDDI :—" May I know whether the Government agree or the hon. the Law Member agrees that the sanction of the President ought to be obtained before prosecution under this Act is launched upon a member ? "

* The hon. Sir C P. RAMASWAMI AYYAR :—" Here again, I cannot commit myself nor give any deliberate opinion. The proposition, it seems to me, is open to argument. Proceedings are undertaken against any member of this House in a court of law. The President may conceivably exercise his mind on the question of sanction. That is merely a personal opinion and I cannot commit either the Government or any of my Colleagues to that opinion."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" With regard to the principle of the Bill, may I know whether the hon. the Law Member has made up his mind as to whether the sanctioning power should vest in the Executive or in the President ? "

* The hon. Sir C. P. RAMASWAMI AYYAR :—" As I said before, Government have not arrived at any opinion on this matter, for the simple reason that they did not know the existence of this amendment and the terms of this amendment till this afternoon. As regards the other matter, viz., Sir Alexander Muddiman's statement, the main principle of the Bill is that corruption in a member of a Legislative body is punishable. I can pledge my hon. Colleagues to that principle. Government is committed to that principle."

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* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Clause 3 (1) specifically mentions that the sanctioning authority is the Local Government under section 196 of the Criminal Procedure Code. I do not know whether the attention of the hon. the Law Member was drawn to this clause when he tabled this resolution asking the Council to accept the principle of the Bill."

* The hon. Sir C. P. RAMASWAMI AYYAR :—" As I said, Sir, following the lead given by the hon. the Home Member of the Government of India, this Government came to the conclusion—a perfectly justifiable conclusion—to accept the principle of the punishability of members of the Legislative bodies, which does not now exist."

Cries of ' vote.'

The amendment was put to the House and declared carried.

Diwan Bahadur M. Krishnan Nayar demanded a poll and the House divided thus :

Ayes.

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| 1. Mr. S. Arpudawami Udayar. | 26. Dr. P. Subbarayan. |
| 2. „ D. Manjappa Heggade. | 27. Mr. A. Chidambara Nadar. |
| 3. Rao Bahadur O. Tanickachala Chettiyar. | 28. „ S. Muttayya Mudaliyar. |
| 4. „ C. Natesa Mudaliyar. | 29. „ P. C. Venkatapati Raju. |
| 5. Mr. H. B. Ari Gowder. | 30. „ S. Satyamurti. |
| 6. „ A. Ramaswami Mudaliyar. | 31. „ V. Pantulu Ayyar. |
| 7. Diwan Bahadur P. C. Ethirajulu Nayudu. | 32. „ K. Uppi Sahib. |
| 8. Mr. J. A. Davis. | 33. „ C. V. Venkataramana Ayyangar. |
| 9. The Zamindar of Kallikota. | 34. The Raja of Ramnad. |
| 10. Rao Bahadur K. Krishnaswami Nayudu. | 35. Diwan Bahadur M. Krishnan Nayar. |
| 11. Mr. J. Kuppaswami. | 36. Mr. P. T. Rajan. |
| 12. „ R. Madanagopal Nayudu. | 37. Rao Bahadur P. Raman. |
| 13. „ T. Mallesappa. | 38. Rao Sahib R. Srinivasan. |
| 14. „ P. N. Marthandam Pillai. | 39. Mr. K. Sarabha Reddi. |
| 15. „ B. Muniswami Nayudu. | 40. „ K. Sarvarayudu. |
| 16. Rao Bahadur A. M. Murugappa Chettiyar. | 41. „ K. Sitarama Reddi. |
| 17. Mr. C. Muttayya Mudaliyar. | 42. „ B. Veerian. |
| 18. „ K. Prabhakaran Tampian. | 43. „ K. Venkatachala Padayachi. |
| 19. „ K. Raguchandra Ballal. | 44. Khan Bahadur Haji Abdulla Haji Qasim Sahib. |
| 20. „ B. Ramachandra Reddi. | 45. Mr. Ghouse Mian Sahib. |
| 21. Rao Bahadur C. V. S. Narasimha Raju. | 46. „ T. M. Narayanaswami Pillai. |
| 22. „ A. S. Krishna Rao Pantulu. | 47. „ M. R. Setaratnam Ayyar. |
| 23. „ T. A. Ramalinga Chettiyar. | 48. „ R. Srinivasa Ayyangar. |
| 24. Mr. C. Ramalinga Reddi. | 49. „ V. C. Vellingiri Gounder. |
| 25. „ J. A. Saldanha. | 50. „ T. N. Muhammad Sahib. |

Noes—Nil.

Neutral.

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|---|--------------------------------------|
| 1. The hon. Sir C. P. Ramaswami Ayyar. | 8. Mr. G. T. Boag. |
| 2. „ Mr. N. E. Marjoribanks. | 9. „ V. Pandrang Row. |
| 3. „ Khan Bahadur Muhammad Usman Sahib Bahadur. | 10. „ Abdulla Ghatala Sahib. |
| 4. „ Mr. T. E. Moir. | 11. Capt. E. G. Windle. |
| 5. „ Diwan Bahadur T. N. Sivagnanam Pillai. | 12. Mr. P. K. S. A. Arumuga Nadar. |
| 6. „ Rao Bahadur Sir A. P. Patro. | 13. „ N. Devendrudu. |
| 7. Mr. T. R. Venkatarama Sastriyar. | 14. Rao Sahib P. V. Gopalan. |
| | 15. Mr. P. Sagaram. |
| | 16. Rao Sahib P. V. S. Sundaramurti. |

Mr. C. RAMALINGA REDDI :—" Will the Members of the Government remain neutral as a Government or is it only in the Council here ?"

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The hon. the PRESIDENT :—"Order, order. We have passed that stage now."

The result of the division is as follows : Fifty hon. Members voted for the motion ; none *against* it. Sixteen hon. Members remained *neutral*. The motion is carried, and the amendment made.

VII

PROCEDURE TO BE FOLLOWED IN REGARD TO GIVING NOTICE OF AMENDMENTS TO THE MALABAR TENANCY BILL

* The hon. the PRESIDENT :—"Before we adjourn, might I make a suggestion in regard to the amendments that will be moved to the Malabar Tenancy Bill coming up for consideration at the next meeting of the Council, with a view to promoting efficient and rapid discussion? Might I take the liberty of suggesting that Members of important groups in the House may come to an understanding as to the number and nature of the important amendments that they would like to be moved? The present system of putting each amendment for discussion as it arrives from each individual Member is rather unsatisfactory because the entire attention of the House is not concentrated on the really important amendments I make the suggestion in the hope that all sections of the House would put forward only certain important amendments. Of course, if individual Members want to press their individual amendments, I cannot prevent them. I hope the suggestion will be received in the spirit in which it is made which is with a view to promoting efficient and rapid discussion."

* Diwan Bahadur M. KRISHNAN NAYAR :—"So far as I am concerned, Sir, personally I shall try my best to have this suggestion put into execution."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, I have only one suggestion to make. This is a very important measure and therefore, Sir, if you will please invite Mr. Krishnan Nayar, Mr. Prabhakaran Tampam and the Whips of the different parties just the day before the meeting so that they might select the important amendments and put them forward for discussion in the House, we can do good work during the next sitting."

* The hon. Sir C. P. RAMASWAMI AYYAR :—"Rather, Sir, if we are going to set up any such convention, let us follow the convention of the Chairman of Committees in Parliament. From whatever source you may get advice, you may be given the sole liberty to choose the important amendments for discussion. There is nothing to prevent the hon. the President from taking the advice of persons with knowledge of the particular topic. I think, Sir, that it will be a wholesome convention to adopt."

* The hon. the PRESIDENT :—"I shall be glad to take that power into my hands provided I have the opinion of the important sections of the House at my back. Then we can concentrate discussion on important amendments. Unless I have the opinion of the important sections of the House at my back, I cannot prevent an individual Member from pressing his amendment at any stage."

* Mr. K. PRABHAKARAN TAMPAN :—"There is one difficulty, Sir, in connexion with this Bill which stands in the way of your suggestion being carried out. Generally, in this House, the Opposition takes one view of the

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question and the party in power invariably takes another. They are opposed to each other in their views on any particular subject. But in regard to the Malabar Tenancy Bill the case seems peculiar. In each party you can find some Members to support the Bill and some others to oppose it. Therefore, it would not be possible to send our amendments through the so-called parties as they exist in the Council or to come to an understanding with them as you suggest. It would be obviously difficult for a Member like me to get my amendments approved by the Party concerned. Parties, as such, have not identified themselves one way or the other."

* The hon. the PRE-IDENT:—"When I spoke of groups or sections I meant not the regular groups into which the House generally divides itself, but the groups into which the House is divided as regards the particular Bill in question. I take it that there are two or three sections in connexion with this Bill.

"With regard to the suggestion made by Mr. Narasimhāraju, I do not think I should like to take the initiative in the matter of inviting the representatives of the groups to select the amendments. But if the representatives should arrange among themselves, meet together to select the amendments and send their suggestions, I shall certainly take those suggestions into consideration.

"I shall now adjourn the House to meet again at 11 o'clock on 8th February 1926."

The House accordingly adjourned.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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APPENDIX.

[Vide answer to question No. 1186 asked by Mr. G. Rameswara Rao at the meeting of the Legislative Council held on the 18th December 1925, page 467 supra.]

G.O. No. 1367, L. & M., dated 23rd April 1925.

Chairmen of municipal councils and presidents of local boards are at present in charge of the elections of members to the local bodies concerned. It has been alleged that in certain instances these officers have abused the powers vested in them by rejecting on insufficient grounds the nominations of members belonging to an opposite party or by postponing the elections unnecessarily or by resorting to other undesirable methods. This has often led to suits in defending which public money has been spent. In order to remedy these defects it has been suggested that an independent agency should be entrusted with the conduct of elections. The Local and Municipal Advisory Committee to whom the question was referred recommended that the Revenue Department should be entrusted with the work. The Government do not agree to entrust the duty of conducting elections to the Revenue Department. They consider that the existing agency should be continued. In cases however where the chairman of a municipal council or the president of a local board desires to have the services of an officer of the Revenue Department for the conduct of a particular election, he may apply to the Collector and the Collector may spare an officer's services if he is able to do so.

(By order of the Government, Ministry of Local Self-Government)

C. B. COTTERELL,
Acting Secretary to Government.

To the Superintendent, Government Press,
for publication in Part I-A of the *Fort St. George Gazette*.
,, Revenue Department.

